

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 13, 2004
Tuesday, A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Cathy Holdeman, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Rev. Douglas Luginbill, Hope Mennonite Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of June 15, 2004 and the consent/workshop minutes of June 22, 2004 approved 7 to 0.

AWARDS AND PRESENTATIONS

Proclamations

Proclamations were previously submitted.

APWA Award

APWA Award for Environmental Projects.

APWA Award was presented to Dave Warren, Jay Dundes, Bruce Barnes and Tom Dondlinger

PUBLIC AGENDA**JOHN S. STREETER-REGARDING THE CITY'S FINANCIAL PROBLEMS.**

John Streeter

Mr. Streeter at 1945 North Rock Road, Apt. #1404, stated that he would like to address the City's financial budget. Stated that he understands that the City wants to do away with fire stations, athletic programs, elderly women and abandoned baby programs. Stated that instead of doing away with needed services, programs and people, the City should reduce all salaries by a percentage that would accommodate the budget. This way everybody will be affected.

CRAIG SPICKARD, UNIT CHAIR, SERVICE EMPLOYEES LOCAL 513-HEALTH INSURANCE PROGRAM.

Craig Spikard

Mr. Spikard stated that he is the Chairperson for the City of Wichita for the Service Employees Union and Vice-President of the Local 513 and sits on the City's Health Insurance Advisory Committee and is concerned that the City is not looking at everything that is available regarding health insurance. Stated that there are many aspects that are available to the City of Wichita that could be looked at that could save the employees and the City money. Stated that he feels that the City is being herded into a quick catchall regarding health insurance. There is available consumer driven health care, which has grown and many different aspects that can do great things for the City of Wichita. Stated that he feels this should be looked at and that our consultants seem to be somewhat resistant to this and that they do not think that the employees of the City of Wichita are ready for such a move. Mr. Spikard presented a petition to the Council with 400 employee signatures.

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TOM ROZOF, OWENR-PAINTBALL RECREATION FACILITY AT GOLFLAND.

- Tom Rozof Mr. Rozof at 2127 South. Bluff Court stated that he would like to include a paintball business at Golfland, which is one of the fastest outdoor sports in the country. Stated that he has invested quite a bit of money in this and found out while checking on the zoning, he was cleared on everything but that there could be a problem with gun laws. Stated that he consulted the legal department and was told that it would be open to interpretation as to whether they would consider a paintball marker a gun or not and was told by City staff at the Law Department to get a variance or some kind of support from the City before moving forward. Stated that they have 23 acres, which is enclosed and all the kids wear protection. Stated that he would like to move forward with the project but is not going to invest any more money until he can get approval from the City.
- Gary Rebenstorf City Attorney stated that under the City Ordinance, the definition of a firearm is anything that expels a projectile either by explosion, ECOT gas or by anything that would repel a projectile that could hurt someone. Stated that it is very clear in his opinion that a paintball gun would fit the definition of a firearm. There is a provision in the Firearm Ordinance that if a person would like to open up a shooting gallery or something like a paintball facility, they have the opportunity to go through the Chief of Police for approval so that they could have a paintball facility at this location. Stated that there is another Ordinance that provides that minors, children under the age of 18, cannot carry any type of weapon without a parent or a grandparent being with them.
- Council Member Martz Council Member Martz stated that last evening at his DAB meeting the Police Department came by and showed the another type of gun that is considered a toy that was very scary to him and that these are guns that fall into the same classification as paintball guns. Stated that they looked like real weapons and is very concerned with a potential side-affect of somebody having a paintball gun and carrying it in public. Stated that he would like to have the Police Chief make a presentation to the Council in the very near future on the paintball guns and other toy guns.
- Council Member Gray Council Member Gray stated that he feels that this is something that can be worked through because the City allows for an indoor shooting range in the City of Wichita where you can discharge live firearms. Stated that the Council should at least pursue and look into this.
- Council Member Fearey Council Member Fearey stated that she agrees with Council Member Martz to take some workshop time on this Item and make the citizens aware of what is out in the community.

GARY WILLIAMSON-WATER DRAINAGE AT 5549 NORTH ATHENIAN.

- Gary Williamson Mr. Williamson who resides at 5540 North Athenian stated that he is back regarding his water problem. Stated that he does not know what to do at this time and has worked with different staff members regarding this issue and has so much water in his yard that it looks like Cheney Lake. Stated that all of the water is stopping at the back door of his house and has to keep everything in his garage up on shelves and in boxes. Stated that this is ruining his walls and has mold growing. Stated that he is here today to ask for direction from the City as to what he can do.
- Council Member Lambke Council Member Lambke stated that it seems that the City must have some responsibility to Mr. Williamson and did not know why action has not been taken.
- Chris Carrier Acting Public Works Director explained that he first visited with Mr. Williamson about his problem two years before he first came to the City Council and that the problem existed when the City annexed the area and has existed for a long time. Stated that on December 8, 2003, he wrote a memo to the City Manager about this problem and made some recommendations. Explained that the he has investigated this problem, looked at different options, have done a hotspot project up there to try to help the problem as much as they can but water gets in there quicker than it can get out and the area is so flat. Stated that he would recommend that the Council let the Law Department look at this and see if they concur with his recommendations and then write Mr. Williamson and tell him what the City's position is.

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Council Member Lambke Council Member Lambke requested that the Law Department resolve this matter in a week and to get back with Mr. Williamson.

UNFINISHED BUSINESS

EVIDENCE RELOC. POLICE PROPERTY AND EVIDENCE RELOCATION. (DISTRICT VI)

Terry Moses

Deputy Chief of Police reviewed the Item.

Agenda Report No. 04-0654

Police Property and Evidence was formerly housed in City Hall on the 9th floor before moving into the vacated vehicle maintenance garage that was located at the west end of the old City Hall Parking Garage structure. In June 1990, as a result of a severe storm, the west brick façade of the City Hall Parking Garage collapsed onto the roof of the Property and Evidence area. Because of the damage, the Parking Garage structure was eventually demolished. Property and Evidence was moved from one temporary facility to another until moving into a City-owned building at 720 West Second Street.

On August 20, 1996, the City Council authorized the relocation of Property and Evidence into another City-owned building at 740 West Second Street as the 720 West Second Street building was demolished as part of the McLean Boulevard relocation project.

Property and Evidence has been operating from the 740 West Second Street facilities since 1996 but have out-grown this facility. They currently store property and evidence at five different facilities at various locations throughout the City. Expansion of this facility is not possible because it is land locked.

In 2002, the Police reviewed a 42,000 square foot warehouse facility at Washington and Waterman that could have been purchased by the City for their use. The purchase of this facility was discussed at a Council workshop at which time the Council direction was to examine the possibility of renovating the City-owned facility (Rounds & Porter) located at 430 North Waco.

On October 23, 2002, the City entered into a contract with Wilson Darnell Mann Architects (WDM) to provide professional services in connection with the modification of a portion of the former Rounds & Porter building for Property and Evidence. The estimate to remodel space in the south 1/3 of the facility was \$675,794. This estimate did not include any exterior work.

On April 20, 2004, The City Council discussed the option of using the City-owned Cessna facility at 2103 East 21st Street for Property and Evidence. Council deferred this Item until there could be more discussion regarding other alternatives.

On May 25, 2004, in a workshop, Council discussed the pro's and con's of relocating the Property and Evidence operation into the 42,000 square foot warehouse at Washington and Waterman and the south 1/3 portion of the Rounds & Porter building at 430 North Waco. Their direction was to verify that the remodel work to Rounds & Porter could be done within the CIP budget of \$675,000.

On June 29, 2004, Council members and staff were given tours of the Rounds & Porter building to review the area under consideration for the relocation of the Property and Evidence operation.

The Police Department has concluded their review of the remodeling costs associated with relocating into the Rounds & Porter building and feels that all work can be done within the budget of \$675,000.

Funding for the project is budgeted in the 2004 Capital Improvement Program for \$675,000. Due to the increased size of the new facility, operating costs are estimated to increase approximately \$30,000. These costs will need to be budgeted in the Police Department annual operating budget.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

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- Cybill Strum Ms. Strum asked where are they going to get all of the funding.
- Council Member Fearey Council Member Fearey stated that she very supportive of this and will be voting in favor of it but would like to talk about listing this building on the state and national register of Historic Places. Stated that since the City does not pay property tax these state tax credits can be sold on the market for about .80 cents on the dollar. Stated that this is money that is out there that could help with this rehabilitation that the City is not taking advantage of.
- Motion-- Fearey moved that the project and use of the Rounds & Porter facility be approved; negotiation and approval of a contract amendment with WDM in a not to exceed amount of \$21,500 for final design, bid documents and construction administration be authorized; the Bonding Resolution \
- carried adopted, and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-337

A Resolution authorizing the issuance of General Obligation Bonds of the City of Wichita, Kansas to pay all or a portion of the costs of modifying, repairing and equipping the Rounds & Porter Building located at 430 North Waco Street in Wichita, Sedgwick County, Kansas, for use by the Police Department's Property and Evidence Facility, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

NEW BUSINESS

2005/2006 BUDGET PRESENTATION AND COMMENTS ON THE PROPOSED 2005/2006 ANNUAL BUDGET.

Kelly Carpenter Acting Finance Director reviewed the Item.

Agenda Report No. 04-0738

In accordance with state law, the City submits the annual budget to the state for certification of each fund on or before August 25. The City of Wichita prepares a two-year rolling budget; however, only the first year of the two is officially adopted. The City also revised the current year budget. The revenue and expenditure budgets are prepared annually for each fund, and revised for the next two calendar years. The 2005/2006 Proposed Budget revises the current year (2004), proposes a budget for the ensuing fiscal year (2005) and projects a budget for the second succeeding year (2006).

The local operating budget totals approximately \$409 million (which does not include internal service funds, capital projects, grant funds, trust funds or interfund transfers) with a mill levy of 31.905 mills (21.905 for the General Fund and 10 for the Debt Service Fund). The 2005 Budget is balanced and does not require a mill levy rate increase for the eleventh consecutive year. Some highlights of the budget include:

- The proposed budget does not require any layoffs.
- The budget includes an additional \$1,000,000 annually for economic development incentives (additional to the \$2.5 million included in 2004 to support low airfare efforts).
- The budget includes \$220,000 for a new crack seal crew in public works, and reprograms \$400,000 to supplement maintenance efforts in the park department.
- Contracted street maintenance was increased or restored to \$5.5 million, a \$600,000 increase.
- The proposed budget includes a new ticketing system for Century II, and three additional staff to support it.
- An employee wage and benefit package is included for 2005 which provides a 1.5% general pay increase, anticipated earned merit pay adjustments, and continuation of the 80% employer contribution for health insurance.
- The budget funds 22 school resources officers, offset partially by a budgeted \$250,000 annual contribution from USD 259.

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- Water and sewer rate increases of 4% and 3%, respectively, are projected in 2005, driven primarily by capital needs for water supply and sewage treatment improvements.

The proposed budget does not include a mill levy increase as presented.

The 2005 City Budget calendar:

- July 13 – Official presentation of the proposed budget to the City Council; receive public comment
- July 20 – City Council authorization of the publication notice (after which the mill levy may decrease, but may not be increased); receive public comment
- August 3 – Receive public comment
- August 10 – Official public hearing; adoption of the 2005 Annual Budget
- August 25 – File the certified budget for all operating funds with the County Clerk

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayor moved that the 2005 Proposed Budget be received and filed and public comments be received. Motion carried 7 to 0.

FUNERAL PROCESSIONS

FUNERAL PROCESSIONS-ORDINANCE CREATING CHAPTER 11.37 OF THE CITY CODE, PERTAINING TO TRAFFIC LAWS REGULATING FUNERAL PROCESSIONS.

Council Member Schlapp momentarily absent.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 04-0655

Numerous complaints have been received from citizens regarding driving hazards created during funeral processions by funeral escort vehicles, funeral procession participants, and other drivers not part of the funeral procession. Problems have also been noted by funeral escorts about the behavior of drivers on the street endangering funeral procession participants and the escort vehicle drivers. Because of the public safety issues involved, city staff met with Sedgwick County personnel several times over the past year. The group sought input from city and county law enforcement, local funeral directors and those persons currently operating funeral escort services. As a result, the ordinance was drafted, which attempts to accommodate the needs of law enforcement as well as the funeral industry, while addressing the public safety issues inherent in this activity.

Currently, the Sedgwick County Clerk, pursuant to state statute, if equipped with red and/or blue lights and siren, designates funeral escort vehicles as emergency vehicles. State law allows emergency vehicles to violate traffic laws when necessary but requires that the driver of such vehicles act in a "with due regard for the safety of all persons." Because of the inherent hazards created by funeral escort vehicles, and the fact that they are emergency vehicles but not law enforcement vehicles, there was a need to review and amend the traffic ordinances pertaining to funeral processions. As a result of this review, staff concluded that much confusion abounds regarding the status of funeral escort vehicles and funeral processions, and the proposed ordinance was created as an attempt to address this confusion and establish specific traffic regulations directing the behavior of funeral escort vehicles, funeral procession participants, and drivers on the street who encounter them both.

District Advisory Boards have reviewed the proposed ordinance for funeral escort processions and have recommended that the City Council approve and adopt.

The proposed ordinance creates new Chapter 11.37 in the city code and pertains to traffic regulations for funeral processions. The ordinances seek to increase safety for all drivers involved in or encountering funeral processions. The proposed ordinance sets forth requirements for emergency vehicle designation of funeral escort vehicles and requires that the drivers of all vehicles participating in

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a funeral procession turn on their vehicle's headlights and hazard warning lamps. The ordinance further grants funeral processions that are accompanied by funeral escort vehicles the right of way over all other vehicles at intersections, regardless of traffic control devices, and requires that other drivers yield the right of way to funeral processions. The ordinance provides for regulation of the speed and time of occurrence of funeral processions and requires a minimum number of three (3) funeral escort vehicles for any funeral procession. Finally, the proposed ordinance provides that no driver of a funeral escort vehicle may operate the vehicle in a reckless or negligent manner, which unreasonably endangers the safety of any person or the public at large, or causes an unreasonable risk of damage to public or private property.

Currently, only two sections of the city's traffic code address the issue of funeral processions and the requirements of drivers who encounter them. These existing code sections have been retained and are incorporated within the new Chapter 11.37, which is created by the proposed ordinance.

No additional expense is anticipated.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Mayans moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance creating Chapter 11.37 of the Code of the City of Wichita, Kansas, pertaining to traffic regulations for funeral processions repealing Sections 11.38.130 and 11.38.140, pertaining to funeral processions, introduced and under the rules laid over.

FUNERAL ESCORT LICENSING

FUNERAL ESCORT LICENSING-AMENDING CHAPTER 3.74 OF THE CITY CODE PERTAINING TO THE LICENSING OF FUNERAL ESCORT SERVICES AND REPEALING THE EXISTING ORDINANCE.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 04-0656

Due to a number of complaints received from citizens about driving hazards created during funeral processions by funeral escorts, requirements of the business owners and drivers for these services was examined. The City of Wichita currently has an ordinance licensing funeral escorts, but it can no longer be enforced because certain provisions contained therein are in conflict with state law. However, the need to license funeral escort vehicles still exists, as they are designated as emergency vehicles by the Sedgwick County Clerk if equipped with red and/or blue lights and siren, pursuant to state statute. State law allows emergency vehicles to violate traffic laws when necessary but requires that the driver of such vehicles act "with due regard for the safety of all persons."

Realizing the need to address this issue, city staff has met with Sedgwick County personnel several times over the past year. The group sought input from city and county law enforcement, local funeral directors and those persons currently operating funeral escort services. As a result, the ordinance was drafted, which attempts to accommodate the needs of law enforcement as well as the funeral industry, while addressing the public safety issues inherent in this activity.

District Advisory Boards have reviewed the proposed ordinance for funeral escort licensing and have recommended that the City Council approve and adopt.

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The proposed ordinance amends Chapter 3.74 of the City Code, which pertains to the licensing of funeral escort services. As currently written, Chapter 3.74 it is in conflict with state statute, and cannot be effectively applied to address the issues of local concern regarding funeral escorts. The proposed ordinance brings the Code into compliance with relevant state law and will allow the city to address various safety concerns.

The license proposed by the amendment will be valid for one year, and will carry a fee of \$100. It will be applicable to all funeral escort services that operate in the city, regardless of where their business may be located. If approved, the ordinance allows current funeral escort services 90 days to apply for a license.

Several requirements set forth in the proposed licensing scheme are designed to increase public safety. First, in order to receive a license, all vehicles used by a funeral escort service to escort funeral processions must be designated as emergency vehicles by Sedgwick County, must be operated by drivers who have successfully completed an accredited defensive driving course, must be clearly marked as a funeral escort vehicle, and must provide proof of liability insurance coverage totaling \$1,000,000. Second, the police or other agent of the city will have the right to inspect any vehicle being used as a funeral escort vehicle. Finally, the proposed ordinance sets forth grounds for which a funeral escort service license can be revoked by the chief of police, including, but not limited to, failure to maintain the required liability insurance, allowing a driver to operate an escort vehicle who has not completed the required defensive driving course, or allowing a driver to operate an escort vehicle who has committed three or more violations of the traffic laws relating to funeral processions and escorts or who has operated such a vehicle in a reckless or negligent manner which has unreasonably endangered the safety of persons or property.

The proposed licensing process will be handled in coordination with Sedgwick County through communication on emergency vehicle permits issued, licenses issued, changes, revocations, & other pertinent information. The Sedgwick County Commission has also passed a resolution that ties the revocation of emergency vehicle permits issued by the County Clerk to the revocation of any funeral escort service license by City of Wichita, pursuant to the proposed ordinance amendment.

No additional expense is anticipated other than the cost of printing application forms and mailing costs for annual renewals. Additional revenues will be realized from the annual license fee.

Mayor Mayans	Mayor Mayans inquired whether anyone wished to be heard.
Chief Williams	Police Chief Williams stated that this Ordinance addresses accountability, safety and training that are important to making sure that our streets are safer at a time of bereavement and wanted to concur with Mr. Rebenstorf.
Cybill Strum	Cybill Strum stated that she agrees with this Ordinance.
Motion--carried	Mayans moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance creating new Chapter 3.74 of the Code of the City of Wichita, Kansas, pertaining to licensing of funeral escort services and repealing the original of said Chapter 3.74, presented, introduced and under the rules laid over.

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UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Council Member Martz momentarily absent.

Kurt Schroeder

Office of Central Inspection reviewed the Item.

Agenda Report No. 04-0657

On May 18, 2004 a report was submitted with respect to the dangerous and unsafe conditions on the property below. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 9:30 a.m. or as soon thereafter, on July 13, 2004.

On May 3, 2004, the Board of Code Standards and Appeals (BCSA) held a hearing on the following property:

Property Address

Council District

a. 511 North Wabash

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Pursuant to State Statute the Resolution was duly published twice on May 20, 2004 and May 27, 2004. A copy of the resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of this property.

Mr. Carthan

Mr. Carthan stated that his wife inherited this property and that the neighbors have dumped junk on their property and tore down their fence. Stated that he has started cleaning the property to have MEK Construction come in and renovate the building and lease it with option to buy.

Council Member Brewer

Council Member Brewer asked when would the sale of the property be completed.

Mr. Carthan

Mr. Carthan stated that they are waiting on the outcome of today's hearing and that MEK Construction thinks that the property is more valuable with the building on it and does not want to buy it if the building is going to be torn down.

Motion--

Brewer moved that the property located at 511 North Wabash be granted a 60 day extension to allow the property owner to sell the property and pay the back taxes and remove the junk vehicles and debris and if not completed within 60 days to take the staff's recommendation to proceed with condemnation and to start demolition and complete removal of the structure.

-- carried

Motion carried 7 to 0.

RESOLUTION NO. 04-338

Resolution finding that the structure described as: The south 40 feet of the east half of Lot 3, Pearce and Vantillburgh's Addition, to Wichita, Sedgwick County, Kansas, commonly known as 511 North Wabash, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

THE BOEING CO.

PUBLIC HEARING AND REQUEST FOR EXTENSION OF LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, THE BOEING COMPANY. (DISTRICT III)

Allen Bell

Economic Development Director reviewed the Item.

Agenda Report No. 04-0658

Since 1979, the City of Wichita has approved over \$4 billion in Industrial Revenue bond financing, in conjunction with ad valorem tax exemptions, to The Boeing Company. According to the company, the City's support for Boeing Wichita has helped ensure ongoing modernization and continuing competitiveness in the commercial and military aircraft industry.

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The current Letter of Intent, issued to The Boeing Company on November 9, 1999 in an amount not-to exceed \$1 billion, of which \$719M remains unissued, will expire on November 9, 2004. The Boeing Company requests a five-year extension to the Letter of Intent which includes a ten-year 100% ad valorem property tax exemption on real property improvements and new manufacturing equipment financed with the bond proceeds.

Boeing Wichita, located on both sides of Oliver Street from 31st Street South to South of 47th Street, is Kansas' largest employer, with approximately 12,400 employees and an annual payroll slightly under \$1 billion. Boeing Wichita is engaged in manufacturing support of Boeing commercial airplanes and commercial and military aircraft modification. All Boeing Wichita sales are exported out of the state of Kansas.

Bond proceeds will be used for acquisition of new advanced manufacturing equipment and enhancement of existing facilities. The Boeing Company advises the new equipment will have no adverse effect on Wichita's ambient air quality.

Acquisition of advanced technologies is required for Boeing Wichita to compete for commercial and military production, in addition to sustaining on-going production programs. Bond proceeds will also serve in the important role of research and development; a vital activity in the aerospace industry. Bond proceeds will assist with helping Boeing Wichita retain many critical professional, technical and highly skilled employees. The economic impact of planned upgrades has a direct cascade effect on engineering and architect firms, machine shops, and material providers in Wichita.

The firm of Kutak Rock of Omaha, Nebraska will serve as bond counsel in the transaction. The Boeing Company will purchase the bonds and as a result there is no need for an underwriter. The Boeing Company agrees to comply with the conditions established in connection with the November 9, 1999 Letter of Intent. Prior to issuance of the current Letter of Intent, Wichita State University Center for Economic Development and Business Research performed a cost-benefit analysis using both the Wichita and Derby school districts. The resulting benefit cost ratios were 1.22 to 1 for the City; 1.17 to 1 for the County; 1.0 to 1 for the U.S.D. 260; and 6.73 to 1 for the State.

The Boeing Company agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the current Letter of Intent, The Boeing Company qualified for a ten-year 100% property tax exemption on the bond financed property on the basis of membership in the local aircraft manufacturing community, level of capital investment, and 100% out-of-state sales exportation.

The City Attorney's Office will review all final documents prior to issuance of the bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Lambke moved that the public hearing be closed; a five-year extension to the not-to-exceed \$1 billion Letter of Intent issued November 9, 1999 to The Boeing Company for Industrial Revenue Bonds be approved which included a ten-year 100% tax exemption on the proposed project, subject to the same conditions as the initial Letter of Intent. Motion carried 5 to 0, (Brewer and Mayans abstained due to conflict of interest).

--carried

GENESIS HEALTH CLUB

PUBLIC HEARING AND REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, GENESIS HEALTH CLUBS. (DISTRICTS V & VI)

Allen Bell

Economic Development Director reviewed the Item.

Agenda Report No. 04-0659

Genesis Health Clubs (Genesis) is requesting the issuance of a one-year letter of intent for industrial revenue bonds (IRBs) in an amount not to exceed \$11,850,000. Bond proceeds will be used to finance the cost of acquiring, constructing and equipping three health clubs facilities. Genesis is also requesting

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the City Council's approval of a 100% five-year tax exemption on bond-financed property and a second five-year exemption upon City Council approval.

The first Genesis Health Club was founded in Wichita in 1986. Today, nearing its 20-year mark, Genesis comprises four health clubs, soon-to-be five, which are 100% owned by Rodney Steven II and Brandon Steven under Steven Enterprises LLC and Genesis Health Clubs Management LLC. Starting from its first health club near 13th & West Street, Genesis has steadily grown to four facilities ranging from 40,000-140,000 sq. ft. The original 3,725 s.f. facility on W. 13th was destroyed by fire in December 2003 and a temporary facility has been established at 2021 N. Amidon. Genesis currently has three other locations in Wichita. The clubs are noted for their high quality service and leading edge fitness equipment/programs.

Genesis currently serves approximately 30,000 members, supported by more than 250 employees including personal trainers, group fitness instructors and membership representatives. Childcare is offered at all Genesis locations. More than 200 classes a week offer the latest in aerobic conditioning in a variety of formats, including step aerobics, Pilates and yoga classes, and cycling. Among its unique club offerings are the state's tallest indoor climbing wall, indoor and outdoor tennis, Junior Tennis Academy, saunas, hot tubs, indoor tracks, basketball courts, indoor and outdoor pools and steam rooms.

Genesis proposed project is to construct and equip two new health club facilities, one in the core area of Wichita at 3725 W. 13th, one in the northwest corner of 29th & Maize Road, and expand its existing health club at 854 N. Socora. Genesis has committed to hire 100 new employees (in Wichita) within ten years.

An analysis of the uses of project funds is:

Construction of core area facility	\$ 2,100,000
Equipment and fixtures for core area facility	500,000
Construction of west Wichita facility	6,500,000
Equipment and fixtures for west Wichita facility	1,500,000
Construction of addition to Socora facility	1,000,000
Equipment and fixtures for Socora facility	<u>50,000</u>
Total Cost of Project:	\$11,850,000

The Company plans to privately place the bonds with a financial institution with which it has an established banking relationship. The Company agrees to comply with the City's requirements contained in the Standard Letter of Intent Conditions. The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

City	1.42 to one
County	1.95 to one
USD 259	1.21 to one
State	5.31 to one

The Company agrees to pay all costs of issuing the bonds, including the bond counsel fee, and the City's \$2,500 annual IRB administrative fee for the term of the bonds. Because they do not export their services outside of Kansas, under the Business Incentive Policy the Company qualifies for a 50% five-plus-five-year tax exemption on property purchased with bond proceeds.

The estimated first year's taxes on Genesis' proposed \$11,850,000 expansion would be \$272,712, on real property improvements and \$54,776 on personal property, based on the 2003 mill levy. The tax exemption would be shared among the taxing entities as follows: City - \$91,952; County/State - \$87,375; and USD 259 - \$148,161.

Ordinarily, the City's general Bond Counsel acts as Bond Counsel in City IRB financings; however, that firm represents Genesis in many business matters and will represent Genesis as Tenant's Counsel for this project. In this case, City policy calls for selection of a different firm to act as Bond Counsel, to

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avoid any conflict of interest. The City's Economic Development Office has solicited competitive fee quotes from other Bond Counsel firms that have indicated an interest in handling City matters.

The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

- Council Member Fearey Council Member Fearey asked if it has been a practice for the City to issue IRBs and tax exemptions for this type of facility.
- Allen Bell Economic Development Director stated that it has not been the City's practice because it is not been before the Council before. Stated that it is a rare occurrence for businesses that are not in the industrial sector and that are more in the service sector to request this. Explained that as a general rule they discourage companies to be able to receive a property tax exemption if they are in the service sector, it is however, in the strict parameters of the policy to allow, if the Council so chooses
- Mayor Mayans Mayor Mayans stated that the Council could have another ten fitness centers apply but not necessarily get it because the financial stability or the job creations are not met.
- Allen Bell Economic Development Director stated that they would need to be in a financial position to actually carry out the expansion. They could apply and the City Council could approve but unless they actually carried out their expansion, they would not actually access the tax exemption because there would be nothing to exempt.
- Allen Bell Economic Development Director explained that issuance of Industrial Revenue Bonds comes with a number of upfront costs, which have to be absorbed. The smaller the amount of the borrowing (the bond issue), the higher those costs are as a percentage of the total borrowing. As a practical matter it has been his experience that it is not cost effective to borrow money by way of IRBs if the amount is much less than one to two million dollars. Stated that IRBs for non-manufacturing and non-distribution businesses is the only way under state law, that a company can access property tax abatement. Stated that IRBs are somewhat expensive especially if you are only borrowing a small amount of money.
- Council Member Gray Council Member Gray stated that we are seeing a decrease in manufacturing and production jobs and an increase in service jobs. If we want to help our economy and bring jobs to Wichita we need to broaden our prospective and take into account that maybe at some point in time we need to start utilizing some of these job opportunities in the service industry because that is where the growth in the market is starting to change.
- Allen Bell Economic Development Director stated that it is important to recognize that in the area of Economic Development that it is not just manufacturing. Stated that there are a wide variety of things and it encompasses areas such as recreational facilities, quality of life amenities and things that attract businesses to Wichita and keep people from moving away from the city so that we can maintain a quality workforce. Stated that these projects all add to that.
- Council Member Martz Council Member Martz inquired how did staff come up with the 50%.
- Allen Bell Economic Development Director explained that the business incentive policy incorporates a formula for determining the amount of property tax exemption and the first 50% is based solely on the number of jobs created and the dollar amount of capital investment made in the community and that maxis out at 50%. The other 50% is based entirely on the extent to which the goods and services of the businesses are exported outside of the state of Kansas. Stated that it is his understanding that this is a company that essentially serves the regional market of Wichita that does not include the necessary export activity so therefore it would qualify for 50% property tax exemption under the strict reading of the policy.
- Council Member Martz Council Member Martz stated that a portion of their business would be qualified as retail business and that they are not solely service oriented for their revenue.
- Allen Bell Economic Development Director explained that the Kansas Board of Tax Appeals would look into this and would probably need to develop the information. Stated that the amount would probably be determined by sales tax of retail activity in the facility. They would look at the floor space of the

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facility and how much of the floor space was utilized for retail activities and they would look at the overall revenues generated based on retail activities.

- Council Member Martz Council Member Martz asked why the Council does not have this information available to them if it is a criteria as to whether they qualify or not.
- Allen Bell Economic Development Director stated that state law prohibits the granting of property tax exemption for retail businesses and that he does not think that they would determine that this is a retail business. Stated that he has not analyzed their financial statements or measured the square footage but that he did tour their facility and that the amount of space used for retail is very small compared to the overall space in these facilities. Stated that he has no trouble characterizing these businesses as non-retail businesses but as service businesses.
- Council Member Brewer Council Member Brewer inquired if the legal department has been consulted to insure that everything that has been done is within the law and correct and legal.
- Gary Rebenstorf Director of Law stated that based upon the attorney's review, the City is in compliance with all legal issues that would be involved.
- Council Member Brewer Council Member Brewer asked if the Council would be opening up a "Pandora's Box".
- Allen Bell Economic Development Director that this does set a precedent, that others may choose to take advantage of.
- Council Member Lambke Council Member Lambke stated that he thinks that tax abatements are a bad policy and that this is another case where the rich get richer and the poor people cannot take advantage of the law. Stated that he could support the revenue bond part of the application but does not feel that the tax abatement is this case is merited.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Edgar Smith General Manager of Fitness 2000 Health Clubs, stated that they currently have 15,000 members and that if a tax break is given to Genesis you will be unleveling the playing field. Stated that they would like to open up a club out west and would like the same type of tax break.
- Council Member Brewer Council Member Brewer stated that the business world is competitive and that we cannot control who purchase land first and comes before the Council first. Stated that there is no doubt that if this is approved for Genesis, then Fitness 2000 would need to submit their application to Allen Bell and if you meet those requirements this will be provided for them also. Stated that one of the things that the Council is trying to focus on is being fair and consistent with everyone and that whatever is provided to one will be provided to others.
- Barbara Matuse Owner of Acrobatic Academy and Fit Physique Fitness Center stated that she has been servicing the community in west Wichita for 28 years and feels like they have been a great asset to the business of fitness. Stated that she would like to be represented as a fitness center and would have liked to have had a tax abatement over the past years because they could have probably moved ahead a lot quicker. Stated that their business is not large and that she is seeking to expand her business and owns the land that is currently behind her business.
- Mayor Mayans Mayor Mayans asked Ms. Matuse if she realized that the tax abatement was available for service businesses and if that is why she had not applied.
- Barbara Matuse Ms. Matuse stated that no, she did not realize that it was available.
- Eric Wilson Mr. Wilson who runs the Fit Physique Fitness Center, stated that according to the City policy regarding IRBs, they cannot be granted if they would give one company a competitive edge over the other. Stated that Genesis will be one mile away from their business and it could definitely have an impact on their business because of the proximity of where they are going to be located and they have lost many customers to Genesis. Stated that he would like it to be a leveled playing field for everyone.

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- Rodney Steven II President of Genesis Health Clubs, stated that he has been working for 11 years to help promote better health and fitness among the community and that lack of exercise is the second leading cause of death last year and predicted to be the largest cause of preventable death this year in the United States. Stated that Wichita was reported as the 25th fattest city in the U.S. last year. Sedgwick County Health Department estimated 270,000 are obese or over weight in Sedgwick County and that child obesity is at an all time high and that the average child gets less than 10 minutes of daily exercise. Stated that health care costs are rising everyday and that obesity was reported to cost the U.S. citizens \$76 billion in health care cost last year. Stated that members come into health care centers for different reasons, to feel better, because their doctor has told them to come in to reduce their high blood pressure, their cholesterol levels and to live longer. Stated that Via Christi and Genesis have teamed up and partnered in their weight management program to stomp out obesity, diabetes and cholesterol levels. Genesis wants to continue to lead the fight against obesity and inactivity and to improve the overall health and quality of life of our community.
- Mayor Mayans momentarily absent, Vice-Mayor Brewer in the chair.
- Council Member Gray Council Member Gray stated that he would encourage Mr. Steven in cooperation with his competitors in this market and throughout the state and nation wide to lobby the state and federal legislatures to enact tax breaks for the individuals on the monthly fees they pay to health clubs. Stated that it is done for childcare. Stated that he feels we should give people a tax break in trying to keep their health up.
- Rodney Steven II Mr. Steven said that he went to Washington DC a few weeks ago to support a bill very similar to this and it will go in front of legislation this next session.
- Delora Donovan Ms. Donovan stated that based on the paper, Genesis said that they would provide 100 full time jobs. Stated that it is her observation that obese people do not put on sport togs and go to Genesis or any other place. If Genesis is not going to provide a dietary class that helps these people change their eating habits, she doubts that the exercise is going to make much difference in their obese status. Asked if they will really employ full time employees who have full benefits and is Genesis prepared to pay their employees at the living wage rate, which for a family of three is \$9.39 an hour. Stated that would just bring them barely above the poverty level. Stated that she questions whether or not the City needs to support another company in this City with a tax abatement.
- Greg Ferris Mr. Ferris stated that he is the representative of the Genesis Health Clubs and that there will be some part-time jobs and that the salaries will range from \$24,00.00 to \$27,00.00 a year for non-management positions. Stated that the part-time positions are students who want to work part-time and that the full-time employees do receive health benefits, vacation and 401K. Stated that these are very meaningful jobs are some are very highly paid jobs.
- Jim Bank Mr. Bank stated that he read the newspaper article, which got his attention. Stated that he deals with preventative and secondary health care. Stated that we have a serious problem in America with our health problems and that he is working on a public awareness program that addresses this issue. Mr. Bank is asking that the Council consider funding any organization that promotes the health and wellness of the citizens of this City.
- Connie Carpenter Owner of It Figures, stated that her business caters to women and that a tax abatement for her business would be really nice because it would help keep her doors open, which is really tough. Stated that she helps women feel good about themselves and is no competition to Genesis and YMCA. Stated that the more competition there is, hurts her business and finds it ironic that she would not qualify because they are the ones that can pay the taxes in the first place and she cannot.
- Mayor Mayans Mayor Mayans stated that she might want to meet with Allen Bell regarding other ways to help out small businesses.
- Cybil Strum Ms. Strum stated that she is against granting a tax abatement.
- Gary Wright Mr. Wright asked where should taxpayer's money be going. Should it be going to private companies or should it be going to public facilities. Stated that one of the biggest stated goals of Genesis, is that they want to help decrease obesity and health problems in the community and they want to do this by

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expanding. Thinks that a better use of this money would be to expand the paths through this community used for bikes, walking, skating, etc. Stated that these paths extend and would extend closer to peoples homes and they could use these free facilities and extend to parks. Stated this is a public use and better use of this money. Stated that Genesis has grown without government assistance and thinks that they will continue to grow without this assistance and this is the reason he does not think they need this.

- Mayor Mayans Mayor Mayans explained that the City is working on the paths and have invested a lot in parks and that these incentives (IRB bonds) are not cash incentives.
- Greg Ferris Mr. Ferris stated that Genesis's retail business is less than 1% and that Genesis has check with the state and they do comply. Stated that the business incentive policy of the City of Wichita was developed after it was determined to add service industries to the IRB policy at that time and that growth of the economy and growth of jobs was a good thing. Asked what is the worst thing that could happen, could a few more companies come in and expand the job base in Wichita and create some employment. Diversification in the Wichita economy is such a big issue. Stated that when you have jobs that are service related that are steady jobs in the community, and as they grow after their abatements go off the books and they pay their taxes, this is why the City Council set the policy that they have today because jobs are economic development. Stated that this company qualifies under the City's policy because it is creating extensive investment, which creates other jobs. Stated that the location for this business is in an area that has been sought for annexation by another city and it is an area that if they annex it and some other commercial development goes in there, they will get the benefits of the taxation and not the City of Wichita. Stated that in this area the City is looking for people to help pay for the sewer treatment plant and water distribution system and as Genesis is annexed into the City of Wichita, they will be a part of that, which is another benefit to the City of Wichita. Stated that Genesis qualifies for tax exemption under the City's policy and is imploring the Council to follow their policy.
- Council Member Schlapp Council Member Schlapp stated that she would have to abstain from voting.
- Council Member Fearey Council Member Fearey stated that it might be a good idea to ask the Greater Wichita Economic Development Committee to look at the City's policy regarding this issue and bring back some recommendations and or advice on the policy that the Council might look at and to bring back to a workshop in the near future.
- Mayor Mayans Mayor Mayans stated that this is an excellent idea and that Vice-Mayor Brewer and himself were at a retreat last Thursday and towards the end of the meeting, this was one of the discussions that took place, which would make the Council's job a lot easier to use the help of the community as far as their input and they were instructed to develop a policy concerning IRBs and tax abatements and that this is in the works.
- Council Member Lambke Council Member Lambke stated that he feels that Council Member Fearey has a good idea and would like to see this developed before taking further action on this issue. Stated that it has been mentioned that the Council has the authority to change their policy and thinks that this would be a good time to investigate whether we want to change the policy or not before we act on this issue.
- Mayor Mayans Mayor Mayans asked if this is for all the bonds that the Council will be looking at today or just one and in the near future.
- Council Member Lambke Council Member Lambke stated that this issue seems to be causing quite a bit of community friction, so he feels it should be deferred because it seem to be the one where the policy is in question.
- Council Member Martz Council Member Martz stated that this issue has become a very hot issue and for partial clarification on a couple of things that Mr. Ferris mentioned, would like to point out that he did not consider annexation as one of the issues and that it has been implied that this would be important and that if the City of Wichita does not approve this that they will go to Maize. Stated that he is assuming that Genesis has looked at the mill levy at Maize and that eventually when the abatements come off and at the current mill levy, Maize is at almost 54 mills and the City of Wichita is at 31 mills and that difference is almost \$36,000.00 a year in tax differences and does not see that being an economic benefit for Genesis to

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asked to be annexed into Maize. Stated that the water issue could also be debatable several different ways. If you are annexed into Maize and use the water from the City of Wichita, you would be paying another 50% on your water bill. Stated that he feels that these are issues that are put in front of the Council in almost a form of a threat. Stated that he is very supportive in trying to support the other businesses especially the small businesses to stay in existence and has concerns if this were to be approved and cause problems for them.

Council Member Brewer Council Member Brewer stated that if you look at any policy that the City has, you will run into a case where somebody does not like it. Stated that he does not feel that it is a bad idea to review the City's policy regarding this and that the Greater Wichita Economic Development is planning on doing that but to stop now and not approve any bond requests, he does not feel that would be the right thing to do. Stated that he feels that the Council does need to review the policy but to continue on and to concern ourselves with doing the right thing and move forward.

Council Member Gray Council Member Gray stated that on the surface this may not look good but if you look at all the different aspects, this is no different than many of the other things that the Council does on a regular basis. Stated that it does follow a policy that is in existence and that the Council cannot continue to focus only on manufacturing and industrial jobs as our nation continues to out-source those types of jobs. Stated that the Council needs to make sure to secure a job market within the United States and help accommodate that in the Wichita area and needs to look at the long-term benefits of this.

Council Member Fearey Council Member Fearey state that her concern is giving the tax exemption for the construction of the core area facility because this is a facility that was taxed, it burned down and they did get insurance for it and they relocated and are operating. Does not think this is going to create very many jobs at that facility and would be more willing to support this if the rebuilding of that facility was taken out of the mix.

Council Member Gray Council Member Gray stated that he also questioned this regarding if it would generate new jobs considering there is already jobs in place at a temporary location and he was told that it is currently running on a skeleton crew and they only have enough resources to accommodate the people that used that facility before and that this one would be creating a significant amount of new jobs. Stated that the issue of the previous taxes that were received off of that site, it was approximately \$550,000 was the tax assessment value of that before.

Allen Bell Economic Development Director stated that this is a unique situation and that the City Council has full flexibility in determining what part of the project it chooses to grant property tax abatement for. Stated that there would be a payment in lieu of taxes based on the 2003 value of the property on West 13th Street.

Mayor Mayans Mayor Mayans stated that on the recommended action item number 4, where we are determining the amount of the tax abatement, he is going to recommend to do 50% and not 100% for five-years.

Motion-- Mayans moved to close the public hearing; approve a one-year Letter of Intent to Genesis Health Clubs for Industrial Revenue Bonds in an amount not-to-exceed \$11,850,000, subject to the Standard Letter of Intent Conditions, authorize staff to select a bond counsel based on competitive fee quotes; determine the amount of tax abatement to be 50% for five-years and Council wishes to approve bond-financed property for the initial five-year period plus a renewal and that there will be a payment in lieu of the taxes on the difference on the 2003 payment on the taxes on the property at West 13 Street and that the necessary signatures be authorized. Motion carried 5 to 1, (Schlapp abstained, Lambke no).

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GOODWILL INDUST. PUBLIC HEARING-ISSUANCE OF ECONOMIC DEVELOPMENT REVENUE BONDS, GOODWILL INDUSTRIES EASTER SEALS OF KANSAS. (DISTRICT IV)

Council Member Brewer momentarily left the bench.

Allen Bell

Economic Development Director reviewed the Item.

Agenda Report No 04-0660

On June 1, 2004, the governing body of the City of Hutchinson approved the issuance of a Letter of Intent to issue Economic Development Revenue Bonds, Series 2004 to Goodwill Industries Easter Seals of Kansas, Inc. in an aggregate principal amount not-to-exceed \$2,100,000. The bonds will be used to finance the construction of a new Goodwill store in Hays, Kansas and to refinance currently existing debt for stores in Wichita and Hutchinson. Before the City of Hutchinson can issue its Economic Development Revenue Bonds, approval from the governing body of the City of Wichita is required under federal law.

Goodwill Industries Easter Seals of Kansas, Inc. is a 501(c)(3) nonprofit corporation and is therefore eligible for the issuance of tax-exempt revenue bonds to finance its facilities. Use of tax-exempt bonds usually results in significant interest cost savings compared to conventional financing. Goodwill Industries owns stores throughout the State of Kansas and wishes to consolidate its indebtedness under a standardized structure, using a host issuer of tax-exempt revenue bonds. Goodwill has chosen the City of Hutchinson in order to take advantage of that city's ability to issue "bank-qualified" tax-exempt bonds.

The federal tax reform act of 1986 eliminated a special tax benefit that was previously accorded to banks that invested in tax-exempt bonds, which caused most banks to cease bidding on tax-free municipal bonds. However, an exception was made for issuers whose aggregate amount issued each year are less than \$10 million. Bonds issued by small issuers, so-called "bank-qualified" bonds, are highly sought after by banks and this results in significantly lower interest rates.

There is no financial impact on the City as a result of the request.

The public hearing held in conjunction with this Item satisfies the TEFRA hearing requirement in the federal tax code for tax-exempt bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Gray moved that the public hearing be closed; the Resolution authorizing the City of Hutchinson to issue its Economic Development Revenue bonds to Goodwill Industries Easter Seals of Kansas, Inc. in an amount of \$2,100,000 be adopted and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

--carried

RESOLUTION NO. 04-339

A Resolution approving the issuance by the City of Hutchinson, Kansas of its Economic Development Revenue Bonds, Series 2004 (Goodwill Industries Easter Seals of Kansas, Inc.) in an aggregate principal amount not exceeding \$2,100,000, to pay the costs of acquiring, construction, financing and refinancing certain retail thrift stores operated for charitable purposes and to be leased to Goodwill Industries Easter Seals of Kansas, Inc., which facilities are located within the corporate limits of the Cities of Wichita, Hutchinson and Hays, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent).

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GLOBAL ENGIN.

PUBLIC HEARING AND TAX EXEMPTION REQUEST, GLOBAL ENGINEERING & TECHNOLOGY, INC. (DISTRICT IV)

Council Member Schlapp momentarily absent.

Allen Bell

Economic Development Director reviewed the Item.

Agenda Report No. 04-0661

Global Engineering & Technology, Inc., (GETI) is located at 2000 Airport Road at Mid-Continent Airport. In addition to its Wichita location, the company's headquarters is located in the City of Goddard and it has addition manufacturing facilities at the Hutchinson airport. Since its establishment in 1991, GETI has achieved consistent growth in its manufacturing of parts for the aerospace industry. Due to construction of a new hangar at Mid-Continent Airport, GETI is required to relocate or close its Wichita facilities. The company has identified an existing building at 4848 W. Irving, in southwest Wichita, where it will move and expand its Wichita operations, subject to receiving approval of an Economic Development Tax Exemption on the existing building.

Global Engineering & Technology, Inc. is a manufacturer of aircraft furnishings. GETI designs, builds and installs interior furnishings for all models of business and commercial fixed wing and rotocraft. The company also builds interiors for specialty aircraft such as medivac and photoreconnaissance units. GETI provides re-lamination and refurbishment services in addition to its new furniture production. It also offers "in-house" touch-ups, repairs and support.

GETI's sheet metal department has the capability of producing all bracketry, structural parts and stainless steel Items that go into a wide variety of cabinetry. With the help of multiple CAD stations with expansion capabilities, GETI is skilled in all facets of design from details and assemblies to structural installations. The company exports 100% of its business outside of Kansas via Cessna, Boeing, Bombardier, and Raytheon.

GETI currently employs 10 persons in Wichita and plans to add at least 50 new jobs over the next five years by expanding operations through acquiring and renovating a currently vacant 31,500 S.F. facility. The newly acquired building will more than double GETI's business that will allow improvement of its manufacturing capabilities as a contract manufacturer. The City's Business Incentive Policy permits the exemption of existing property only when the property has been vacant for a significant period of time. This building has been vacant for over two years.

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
65.0%	New Job Creation:	GETI will create at least 50 new jobs.
10.5%	Capital Improvements:	GETI will invest at least \$596,000.
75.5%	Sub Total Business -	Incentive Eligibility (Maximum allowed is 50%)
50.0%	Export Premium: GETI exports 96% of its product outside Kansas.	
50.0%	Sub Total – Export Premium (Maximum allowed is 50%)	
00.0%	Location Premium:	GETI is not located in the central redevelopment area. (additional 20% allowed)
100%	TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY	

Under the standard policy GETI is eligible for a 100% tax exemption for the initial five-year term on and a 50% exemption for the second five-year term, subject to Council review. However, given the

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circumstances of forced relocation and the competition from Goddard and Hutchinson, staff recommends a 100% exemption for the second five years. GETI has agreed to comply with the conditions set forth in the 1999 revised Business Incentive Policy.

The estimated first year taxes on the proposed \$596,000 expansion would be \$16,930 on real property improvements, based on the 2003 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$16,930 of new taxes from the real property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$4,754; County/State - \$4,517; and USD 259 - \$7,659.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	1.86 to one
Sedgwick County	2.28 to one
USD 259	1.52 to one
State of Kansas	2.16 to one

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Gray moved that the public hearing be closed; and place the Ordinance on first reading granting a 100% tax exemption on the identified real property improvements for a five year term, plus a second five-year term, subject to City Council review.

Council Member Lambke Council Member Lambke stated that this is another case with taking existing property off of the tax roll, which he strongly opposes and will be voting against this.

--carried Motion carried 6 to 1, (Lambke no).

ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Global Engineering & Technology, Inc., so exempted introduced and under the rules laid over.

ZTM, INC.

TAX EXEMPTION REQUEST, ZTM, INC. (DISTRICT III)

Council Member Martz momentarily absent.

Allen Bell Economic Development reviewed the Item.

Agenda Report No. 04-0662

On January 9, 2001, City Council approved a tax exemption for ZTM, Inc. (ZTM) that included acquisition of an existing facility and purchase of new manufacturing equipment. On June 4, 2004, the City and ZTM received a preliminary order from the Kansas Board of Tax Appeals ("BOTA") identifying a deficiency in the application for a BOTA exemption order in that the exempt periods provided for the leased and non-leased property were different and allowing a 60-day time frame to cure the deficiency.

BOTA's preliminary order is intended to give the City and the applicant the opportunity to correct this procedural deficiency. The Board requests that the applicant and/or the City of Wichita amend Ordinance No. 44-839 to grant an exemption for the leased property for the same period as property owned by the applicant.

To effectuate this solution, without changing the tax effect intended by the initial Council action (i.e. to have a lesser period of exemption for some of the personal property than for the real property) the

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company has agreed to make "payment-in-lieu-of-taxes" on the second five years of abatement for the personal property covered by Ordinance No. 44-839, equal to the amount of ad valorem taxes during the second five-year exemption period that would have been paid had such property not been exempted from taxes for such period, determined according to the personal property retail cost new, less depreciation and minus any disposal of such exempted property during that five-year time period.

There is no financial impact to the City regarding BOTA's request.

By amending the Ordinance to make the term of the exemption run for the same period on the leased and owned property, the City can resolve the issue raised by BOTA. The company's agreement to make payments-in-lieu of tax to offset the additional abatement should keep the original intent intact.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Lambke moved that the Ordinance amending Ordinance No. 44-839 be placed on first reading and the proposed payment-in-lieu agreement be approved. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita, Kansas, amending operative Section 2 of Ordinance no. 44-839, and repealing the prior versions of such section, introduced and under the rules laid over.

RECESS

Mayans moved that the City Council recess into Executive Session to consider: Consultation with legal counsel on matters privileged in the Attorney-Client relationship relating to: pending litigation, potential litigation, legal advice, contract negotiations and matters relating to employer-employee negotiations and that the Council return from Executive Session no earlier than 1:40 p.m. and reconvene in the City Council Chambers. Motion carried 7 to 0.

RECONVENE

The City Council reconvened in the Council Chambers at 1:41 p.m. and Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved to adjourn the Executive Session. Motion carried 7 to 0.

ELECTRIC FRANCHISE

ADOPTION OF ELECTRIC FRANCHISES FOR BUTLER RURAL ELECTRIC COOPERATIVE ASSOCIATION, INC. (DISTRICT II)

Chris Carrier

Interim Public Works Director reviewed the Item.

Agenda Report No. 04-0663

The City has franchise agreements for electric service with KGE (Westar) and Sedgwick County Electric Cooperative Association, Inc. These agreements took effect March 1, 2004 and have a term of 10-years. They are substantially the same in form and provisions.

With the annexation of land into the City of Wichita in the vicinity of 127th Street East and Pawnee, the City of Wichita has now grown into the part of the state that is designated for retail electric service to be provided by Butler Rural Electric Cooperative Association, Inc.

The agreement with Butler Rural Electric Cooperative Association, Inc is substantially the same as the current agreement with KGE (Westar) and Sedgwick County Electric Cooperative Association, Inc. The Butler REC agreement has had its term adjusted so that all three agreements will expire on the same date of March 1, 2014.

Key provisions of the franchise agreement are:

- The City will receive a franchise payment from the Company equal to 5% of its gross receipts from sales within the city limits.
- The term of the franchise is 10 years with reopening of the agreement within that time if certain changes occur.

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- The Company must repair or replace any of the City's improvements that are impacted by the placement or maintenance of their facilities.
- The City has the right to review and approve facilities placed in the right-of-way.
- The Company must relocate their facilities when necessary for the construction of public improvements.
- Facilities will be placed underground in the downtown area and elsewhere where feasible. (Facilities within all new subdivisions will continue to be placed underground as required by subdivision regulations.)

The provisions of the final agreement with the Companies will be adopted by the franchise ordinance are consistent with the guidance that the City Council provided during the negotiating process.

The City will receive 5% of the gross receipts of the companies from the provisioning of electrical service to customers within the city limits, the same rate as under the other agreements. There are currently only five customers in the Butler Rural Electric Cooperative who are also in the city limits. Based on average residential consumption these customers would produce an estimated \$420 per year in franchise fee revenues to the City.

This contract franchise ordinance is consistent with the requirements and limitations of the laws of the State of Kansas. This contract franchise ordinance has been reviewed and approved as to form by the City Attorney. The Ordinance requires two readings and one publication.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Schlapp moved that the Franchise Ordinance between the City and for Butler Rural Electric Cooperative Association, Inc. be placed on first reading. Motion carried 5 to 0, (Martz and Brewer absent).

--carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, granting to Butler Rural Electric Cooperative Assn., Inc., its successors and assigns, an electric light, heat, and power franchise and prescribing the terms of said grant and, and relating thereto, introduced and under the rules laid over.

HOUSING BOARD

AMENDMENT TO HOUSING ADVISORY BOARD ORDINANCE.

Mary K. Vaughn

Housing Director reviewed the Item.

Agenda Report No. 04-0664

The Housing Advisory Board was created by Ordinance (44-846) on January, 2001, to provide advice and recommendations to the City Manager and City Council on all matters of policy concerning housing. The Board composition was defined at that time as nine members representing various housing industry professions and skills, and appointed by the Mayor with approval of the City Council.

Since its inception the Board has continued to meet its original purpose through monthly meetings with Housing Services Department staff. However the scope of housing issues has increased such that it is now desirable to expand the number of members and categories of membership of the Housing Advisory Board. The proposed ordinance amendment will expand the Board membership to 11, adding one membership category for a representative of the Community Council on Homeless Advocacy and an additional Section 8 or Public Housing tenant category.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

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Motion--
--carried

Mayans moved that the ordinance be placed on first reading. Motion carried 5 to 0, (Martz and Brewer absent).

ORDINANCE

An Ordinance amending Section 2.12.1170 of the Code of the City of Wichita, Kansas, pertaining to the composition and membership of the Housing Advisory Board, introduced and under the rules laid over.

PINE BAY ESTATES

PETITION TO PAVE STREETS IN PINE BAY ESTATES ADDITION, EAST OF HYDRAULIC, SOUTH OF 63RD STREET SOUTH. (DISTRICT III)

Chris Carrier

Interim Public Works Director reviewed the Item.

Agenda Report No. 04-0665

The signatures on the Petition represent 52 of 61 (85.25%) resident owners and 79.77% of the improvement district area. District III Advisory Board sponsored a June 2, 2004, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

The project will serve a developed residential area located east of Hydraulic, south of 63rd Street South.

The estimated project cost is \$302,750, with the total assessed to the improvement district. The method of assessment is the fractional basis. The estimated assessment to individual properties is \$8,650 per lot. Because the project provides infill infrastructure to an area that is 100% developed with existing homes, it qualifies for 20 year bond financing.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Lambke moved that the Petition be approved and the Resolution adopted. Motion carried 6 to 0, (Brewer absent).

RESOLUTION NO. 04-340

Resolution of findings of advisability and Resolution authorizing constructing Pine Bay Street from the east line of Hydraulic Avenue to Madison Avenue, Madison Avenue from the south line of 63rd street South to Pine Bay Street and Madison Court from the west line of Madison Avenue West to and including the cul-de-sac (east of Hydraulic, south of 63rd Street South), 472-84034 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent).

KESSLER

PETITION TO PAVE KESSLER, FROM NORTH OF KELLOGG DRIVE TO TAFT. (DISTRICT IV)

Jim Armour

Acting City Engineer reviewed the Item.

Agenda Report No. 04-0666

The signatures on the Petition represent 12 of 20 (60%) resident owners and 32.58% of the improvement district area. District IV Advisory Board sponsored a June 2, 2004, neighborhood hearing on the project. The Board voted 6-0 to recommend approval of the project.

Kessler, from north of Kellogg Drive to Taft, is an unimproved road. The surrounding area is residential.

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The estimated project cost is \$144,000, with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.445 per square foot of ownership. Because the project provides infill infrastructure to an area that is 100% developed with existing homes, it qualifies for 20 year bond financing.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Lambke moved that the Petition be approved and the Resolution adopted. Motion carried 6 to 0, (Brewer absent).

RESOLUTION NO. 04-341

Resolution of findings of advisability and Resolution authorizing improving Kessler from the south line of Taft to the south line of Lot 28, Block 3 and Lot 11, Block 4, Eureka Gardens Addition (north of Kellogg, east of West Street) 472,84041, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans, (Brewer absent).

BOXING EXHIB.

BOXING EXHIBITIONS.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 04-0667

The City Wichita has previously regulated boxing exhibitions through an athletic commission, and for the last several years by the Council's direction to staff. The authority to do so rested on specific state laws authorizing the same, i.e. KSA 12-5101 et seq. and KSA 21-1801.

A new state law, HB 2713, effective July 1, 2004, abolished the City's statutory authority for separate licensure. It also set up a statewide regulation structure, which will license all promoters, contestants, officials and other ringside personnel, along with imposing a significant tax on revenues to pay for this regulation.

Cities can still determine whether such events can be held their jurisdictions because authorizing resolutions are needed for each event. However, City licensure is no longer possible. The current City Code chapter for such licensure should be repealed.

This change will have a positive, although indirect, effect on the City budget, as the revenue annually was less than \$100, while the staff time committed to the regulatory activities greatly exceeded that value.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Fearey

Council Member Fearey asked if a resolution would have to be passed if someone wanted to have a Tough Man Contest in the City of Wichita.

Gary Rebenstorf

Gary Rebenstorf stated that it would be done on a case- case basis and that when the State would receive the application for a license to hold the event, they would then contact the City and the City Council would then take action to either approve or disapprove the event.

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Motion--carried Mayans moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance repealing Chapter 3.77 of the Code of the City of Wichita, Kansas, pertaining to the Wichita Athletic Commission, introduced and under the rules laid over.

SIDEWALK CAFE

TECHNICAL CLEANUP OF SIDEWALK CAFÉ ORDINANCES.

Gary Rebenstorf Director of Law reviewed the Item.

Agenda Report No. 04-0668

The City Council enacted modifications on December 11, 2001 to the City's sidewalk permit ordinance, allowing permits for the operation of sidewalk cafes. The language of the proposed ordinance is a technical clean up in order to make explicit the statutory authority for this procedure.

The proposed ordinance would have no substantive effect on the permitting or enforcement of the existing sidewalk cafe provisions in the City of Wichita. The ordinance would simply eliminate any potential interpretation problems that can stem from the use of an implicit rather than an explicit source of authority. The sidewalk cafe permits are issued pursuant to K.S.A. 12-406a and 41-719(d).

The Law Department initiated this proposal and recommends passage.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried Mayans moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 10.04.131 and 10.04.132 of the ode of the City of Wichita, Kansas pertaining to street and sidewalks, introduced and under the rules laid over.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

Martz recommended that Monica Vashaw be appointed to DABV; Brewer recommended that the following people be appointed to the DABI: Gerald Domitrovic, Treatha Brown-Foster, Lori Lawrence, Debra Miller, Debby Moore, Steve Roberts, James Thompson, Lois Tully-Gerber, Lavonta Williams and the alternates to be Sharon Myers and Tandra Price; Fearey recommended that Troy Jordan be appointed to the Police and Fire Retirement Board and to reappoint the following people to DABVI: Bob Shreck, Sandra Wittington, Rosalie Bradley, Paul Damon, Maureen Willis, Dick Rumsey and Bickley Foster.

Motion--carried Mayans moved that the appointments be made. Motion carried 7 to 0.

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TRAVEL EXPENSES **APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBERS TO ATTEND THE NATIONAL LEAGUE OF CITIES CONFERENCE IN INDIANAPOLIS, IN., NOVEMBER 30 - DECEMBER 4, 2004.**

Motion--carried Mayans moved that the expenditures be approved. Motion carried 6 to 0, (Lambke no).

CONSENT AGENDA

Motion--
--carried Mayans moved that the Consent Agenda, except Item 52a, be considered as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 12, 2004.**

Bids were opened June 25, and July 9, 2004, pursuant to advertisements published on:

2004 wheelchair ramp & sidewalk, Phase 2 - north of Harry, east of Meridian. (472-83966/706879/204345) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

McFadden Construction - \$187,800.00 (Engineer's estimate)

2004 sanitary sewer reconstruction, Phase 6 - north of MacArthur, between Maize and Webb Road. (468-83840/620407/664527) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V)

WB Carter Construction - \$46,000.00

Century II Parking Lot - Century II Drive and Main Street, south of Douglas. (472-83951/706878/204344) Does not affect existing traffic. (District VI)

APAC – Kansas Inc. - \$41,780.00

Ponderosa from the west line of Aksarben west to the north line of Alderny; Alderny from the south line of Ponderosa east to the west line of Aksarben; Aksarben from the south line of Ponderosa south to the south line of Lot 37, Block A; Alderny Ct. from the south line of Alderny south to and including the cul-de-sac and on Ponderosa Ct. from the south line of Ponderosa south to and including the cul-de-sac; Sidewalk on one side of Aksarben, Ponderosa and Alderny to serve Copper Gate Estates Addition - south of 13th Street North, west of 135th Street West. (472-83670/765857/490968) Does not affect existing traffic. (District V)

Ritchie Paving - \$183,836.15

Peckham from the north line of Lot 13, Block 3 to the south line of Bridlewood; Peckham Circle serving Lots 36 through 42, Block 2; and Peckham Court serving Lots 43 through 58, Block 2 to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (472-83762/765874/490985) Does not affect existing traffic. (District II)

APAC – Kansas Inc. - \$188,236.60

Storm Water Sewer #605 to serve Reed's Cove Third Addition - south of 21st Street North, east of 127th Street East. (468-83816/751368/485259) Does not affect existing traffic. (District II)

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Mies Construction - \$158,084.00

2004-2005 CDBG Neighborhood Stabilization Aley Park parking lot improvements - south of Esthner, west of Seneca. (472-84059/792310/435272) Does not affect existing traffic. (District IV)

Kansas Paving Company - \$25,396.25

2004 park asphalt parking lot and entry drive resurfacing improvements - north of Pawnee, east of Maize. (472-83923/785041/210200/210300/210500/394173) Does not affect existing traffic. (Districts I,III,IV,V,VI)

Kansas Paving Company - \$122,390.00 (Engineer's estimate)

Water distribution system to serve Hidden Glen Addition - north of 47th Street South, west of Hydraulic. (448-89713/735199/470869) Does not affect existing traffic. (District III)

Padgett Excavation - \$57,430.78

Storm Water Sewer #574 to serve Hidden Glen Addition - north of 47th Street South, west of Hydraulic. (468-83485/751370/485261) Does not affect existing traffic. (District III)

Utility Contractors - \$166,626.00

Lateral 91, Main 1 Southwest Interceptor Sewer to serve Hidden Glen Addition - north of 47th Street South, west of Hydraulic. (468-83484/744064/480752) Does not affect existing traffic. (District III)

Nowak Construction - \$186,049.00

Water distribution system to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (448-89734/735189/470859) Does not affect existing traffic. (District II)

Padgett Excavation - \$27,718.02 (Corrected total)

37th Street North, from Tyler Road to Ridge Road to serve Avalon Park Addition (472-83948/765851/490962) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Kansas Paving Company - \$123,675.00 (Negotiated to Engineer's estimate)

Canal route manhole reconstruction, Phase 2 - along I-135 between Waterman and 15th Street North. (468-83491/624007/652526) Traffic to be maintained during construction using flagpersons and barricades. (District I)

WB Carter Construction - \$271,231.00

Kellogg Avenue (US 54)/Rock Road Interchange, Part 7: Grading, Concrete Pavement, Utilities, Seeding (Temporary) and Lighting between Rock Road and KTA south of existing Kellogg Avenue - south of Kellogg between Rock Road and KTA. (472-84063/702336/401352) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Cornejo & Sons Construction - \$2,154,239.94

2004 sanitary sewer reconstruction, Phase 8 - north of Kellogg, between 119th Street West and Oliver (468-83848/620409/664529) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,V,VI)

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WB Carter Construction - \$216,031.00

2004-2005 CDBG Street, Curb, Gutter & Sidewalk - north of 11th Street North, east of Washington. (472-83905/602551/800402/010111) Traffic to be maintained during construction using flagpersons and barricades. (District I)

McFadden Construction - \$132,020.00 (Engineer's estimate)

2004 condemned sidewalk and wheelchair ramps - north of 71st Street South, east of 135th Street West. (472-84061/132100/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V,VI)

Barkley Construction - \$161,580.00 (Engineer's estimate)

Lateral 9, Main 19 Southwest Interceptor Sewer to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (468-83689/744066/480754) Does not affect existing traffic. (District V)

Mies Construction - \$82,360.00

Water distribution system to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (448-89867/735202/470872) Does not affect existing traffic. (District V)

WBW Contractors - \$39,772.00

Water distribution system to serve Killenwood Pointe Addition - south of 13th Street North, east of Greenwich. (448-89495/735200/470870) Does not affect existing traffic. (District II)

Mies Construction - \$11,360.00

Motion--

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Evergreen Library Building Improvements.

Caro Construction Co. Inc.	\$52,988.00 (Total base bid)
	\$ 7,200.00 (Option 2)
	\$18,996.00 (Option 3)

PARK DEPARTMENT/RECREATION DIVISION: Folding Tables and Chairs.

Southern Aluminum MFG Inc. -	\$67,165.86 (Group 1 total net bid)
Kansas Contract Design, L.C -	\$28,823.97 (Group 2 total net bid)
	\$ 5,376.16 (Group 3 total net bid)

AIRPORT DEPARTMENT/OPERATIONS DIVISION: Rider Sweeper/Extractor.

Massco Inc. - \$9,900.79 (Group 1 total net bid)

AIRPORT DEPARTMENT/OPERATIONS DIVISION: Enclosure Cabs for John Deere Tractors.

Wichita Tractor Co. -	\$15,786.00 (Group 1 total net bid)
	\$ 5,500.00 (Group 1/option 1)

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PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Floor Covering Basement Service Club Room.

S & A Construction Inc. - \$23,488.00 (Group 1 total net bid)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Reconstruction of Taxiways A, A1 and North.

Cornejo & Sons Inc. \$5,418,317.31* (Group 1 total net bid)

*Pending FAA approval and award of grant funds

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Remote Parking Lot Improvements.

Cornejo & Sons Inc. - \$1,301,790.26 (Group 1 total net bid)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: 2004 Airfield Pavement Joint Re-seal.

Airfield Improvement & Repair LC. - \$71,292.50 (Group 1 total net bid)

WATER & SEWER DEPARTMENT/SEWER TREATMENT DIVISION: Ferrous Chloride.

Natural Resource Protection Inc. - \$198,500.00* (Group 1 base bid)

*Estimate – Contract approved on unit cost basis; refer to attachments.

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Fifty (50) Ultraviolet 400 Lamp Assembly, 28", P/N 441144-028.

Ray Lindsey Company* - \$10,000.00 (Plus freight - 50 @ \$200/each)

*Purchases utilizing sole source of supply - Ordinance No. 35-856
Section 2.64.020 (b)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Circular Clarifier Drive Rebuild of Envirex Original Order #12757.

US Filter/Envirex* - \$20,430.86 (Includes sales tax. To include a new lower cast iron housing, balls, races, dust shield, orprene seal, felt seal, stop blocks, lower pinion shaft bearing, bearing spacer, retaining ring and gasket)

*Purchases utilizing sole source of supply - Ordinance No. 35-856,
Section 2.64.020 (b)

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2004</u>	<u>Consumption on Premises</u>
Akiko Miloni	Mama Sans*	3811 West 13th Street
<u>Renewal</u>	<u>2004</u>	<u>Consumption off Premises</u>
Loan H. Le	KC Gas & Groceries #1	1102 West Maple
Mike Hoffmann	Kwik Shop 772	2750 South Oliver
Mike Hoffmann	Kwik Shop 748	2809 East Douglas
Mike Hoffmann	Kwik Shop 731	10 West 29th Street North
Mike Hoffman	Kwik Shop 722	3959 South Hydraulic

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Mike Hoffmann	Kwik Shop 716	2424 West 37th Street North
Mike Hoffmann	Kwik Shop 714	4811 South Seneca
David Bullington	Wal-Mart Supercenter #1507	3030 North Rock Road

<u>Renewal</u>	<u>2004</u>	<u>Consumption off Premises</u>
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Bich J. Nguyen	Asian Market Inc.	1815 East Central
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<u>New Operator</u>	<u>2004</u>	<u>Consumption on Premises</u>
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Roman Romero	Angela's Café #14*	2119 West 21st Street
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<u>Special Event</u>	<u>July 20, 2004</u>	
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Louis Sinos	The Swanson Food Management Inc.	Delano Park 102 North McLean
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<u>Special Event</u>	<u>August 1, 2004</u>	
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Jaya Escobar	Compadres-Poncho Villa Day	2033 North Broadway
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2004 wheelchair ramp & sidewalk, Phase 2 - north of Harry, east of Meridian. (472-83966/706879/ /204345) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$200,000.00
- b) 2004 sanitary sewer reconstruction, Phase 6 - north of MacArthur, between Maize and Webb Road. (468-83840/620407/664527) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V) - \$100,000.00
- c) Century II Parking Lot - Century II Drive and Main Street, south of Douglas. (472-83951/706878 /204344) Does not affect existing traffic. (District VI) - \$49,763.29
- d) Ponderosa from the west line of Aksarben west to the north line of Alderny; Alderny from the south line of Ponderosa east to the west line of Aksarben; Aksarben from the south line of Ponderosa south to the south line of Lot 37, Block A; Alderny Ct. from the south line of Alderny south to and including the cul-de-sac and on Ponderosa Ct. from the south line of Ponderosa south to and including the cul-de-sac; Sidewalk on one side of Aksarben, Ponderosa and Alderny to serve Copper Gate Estates Addition - south of 13th Street North, west of 135th Street West. (472-83670/765857/490968) Does not affect existing traffic. (District V) - \$307,000.00
- e) Peckham from the north line of Lot 13, Block 3 to the south line of Bridlewood; Peckham Circle serving Lots 36 through 42, Block 2; and Peckham Court serving Lots 43 through 58, Block 2 to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (472-83762/765874/490985) Does not affect existing traffic. (District II) - \$288,650.00
- f) Storm Water Sewer #605 to serve Reed's Cove Third Addition - south of 21st Street North, east of 127th Street East. (468-83816/751368/485259) Does not affect existing traffic. (District II) - \$239,000.00

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- g) Murdock Bridge over Little Arkansas River (on Murdock Street between Waco and Riverside Park) (87N-0304-01/472-83895/448-89900/715698/636126/244114/773522) Murdock Street will be closed to thru traffic during construction. (District VI) - \$1,690,000.00
- h) Water Main Replacement to serve the Morningside area (north of Kellogg, east of Oliver) (448-89831/634025/773196) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$840,000.00
- i) Pave the east-west Alley between Martinson & Elizabeth, McCormick & Irving, from the west line of Martinson to 160 feet west of Martinson to serve John McCormick's Addition, Replat Part of John McCormick's Addition (west of Seneca, south of Lincoln) (472-83388/765687/490798) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$32,200.00
- j) Sunset Park Tennis Courts (west of Keith, north of 17th Street North) (472-84035/785041/394173) Does not affect existing traffic. (District V) - \$90,000.00
- k) Reconstruction of West Learjet Way and the North Parallel Service Road (south of Kellogg, east of Tyler) (472-83845/706873/204339) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV & V) - \$550,000.00
- l) Lateral 364 Four Mile Creek Sewer to serve Krug North Addition (north of 21st Street North, west of 143rd Street East) (468-83787/744050/480738) Does not affect existing traffic. (District II) - \$80,000.00
- m) Storm Water Sewer #582 to serve Copper Gate Estates Addition (south of 13th Street North, west of 135th Street West) (468-83560/751363/485254) Does not affect existing traffic. (District V) - \$142,000.00
- n) Water Distribution System, Phase 8 to serve Fox Ridge Addition (north of 29th Street North, east of Maize) (448-89952/735194/470864) Does not affect existing traffic. (District V) - \$147,000.00
- o) Lateral 370, Four Mile Creek Sewer to serve Reed's Cove 3rd Addition (south of 21st Street North, east of 127th Street East) (468-83815/744062/480750) Does not affect existing traffic. (District II) - \$405,000.00
- p) Water Distribution System to serve Steve Kelley 5th Addition (south of 13th Street North, west of Hoover) (448-89945/735192/470862) Does not affect existing traffic. (District VI) - \$68,000.00
- q) Hardtner from the west line of 135th Street West, west to the north line of Aksarben; Hardtner Court (Lots 4 through 16, Block B) from the north line of Hardtner north to and including the cul-de-sac; Hardtner Court (Lots 17 through 24, Block B) from the north line of Hardtner north to and including the cul-de-sac; Sidewalk along one side of Hardtner to serve Highland Springs 3rd Addition (south of Central, west of 135th Street West) (472-83778/765854/490965) Does not affect existing traffic. (District V) - \$286,000.00
- r) Castle Rock from the south line of the plat to the north line of Lot 4, Block C; Peppertree from the west line of Castle Rock west to the east line of Burning Tree; Burning Tree from the south line of Peppertree to the north line of Lot 16, Block A; 22nd Street North from the west line of Castle Rock to the east line of Burning Tree; Castle Rock Court from the east line of Castle Rock east to and including the cul-de-sac; Sidewalk along one side of Castle Rock, Peppertree, Burning Tree and 22nd Street North to serve Krug North Addition (north of 21st Street North, west of 143rd Street East) (472-83973/765866/490977) Does not affect existing traffic. (District II) - \$406,000.00
- s) 2004-2004 Signalization Program, Phase 1: Install Signalized Crosswalks for Jackson Elementary School and Linwood Elementary School (Woodlawn, south of Pepperwood; Hydraulic, south of Harry) (472-83991/706911/204377) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$80,000.00

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- t) 127th Street East from the north line of Pawnee to the north line of Sierra Hills Addition to serve Sierra Hills Addition (north of Pawnee, south of Mt. Vernon) (472-83964/765864/490975) Provide at least one lane of traffic with a flag person. (District II) - \$260,000.00
- u) Traffic Signalization at the intersection of Woodlawn and the major entrance to Lot 1, Block 1, Northeast Elementary School Addition, and the major entrance to Lot 1, Block 1, Hinkle's Addition to serve Northeast Elementary School Addition and Hinkle's Addition (south of 29th Street North along Woodlawn) (472-84047/765882/490993) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$267,000.00
- v) A northbound left turn lane on Woodlawn into Ironhorse Street to serve Ironhorse at Oxford Addition (south of 29th Street North along Woodlawn) (472-83708/765881/490992) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$89,000.00
- w) Water Distribution System to serve Reed's Cove 3rd Addition (south of 21st Street North, east of 127th Street East) (448-89956/735196/470866) Does not affect existing traffic. (District II) - \$117,000.00
- x) Storm Water Drain #229 to serve Fawn Grove at Sunset Lakes Addition (south of Turnpike, west of Greenwich) (468-83798/751367/485258) Does not affect existing traffic. (District II) - \$380,000.00
- y) Lateral 2, Main 12 Four Mile Creek Sewer to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East) (468-83511/744053/480741) Does not affect existing traffic. (District II) - \$89,000.00
- z) Water Distribution System to serve Avalon Park Addition (37th Street North from Tyler to Ridge Road) (448-89914/735176/470846) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$353,850.00
- aa) Storm Water Drain #232 to serve Fox Ridge Addition (north of 29th Street North, east of Maize) (468-83813/751369/485260) Does not affect existing traffic. (District II) - \$390,000.00

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

COST STATEMENTS STATEMENT OF COSTS:

- a) Improving Park Place from 27th Street North to 28th Street North to serve Montrose Park Addition (south of 29th Street North, west of Broadway). Total Cost - \$85,182.61 (plus idle fund interest - \$445.24 plus temporary note interest - \$842.15). Financing to be issued at this time - \$86,470.00. (765720/472-83479/490-831).
- b) Improving Aksarben, Ponderosa, Aksarben Courts and Ponderosa Court to serve Copper Gate Estates (south of 13th Street North, west of 135th Street West). Total Cost - \$271,782.10 (plus idle fund interest - \$1,004.05, plus temporary note interest - \$2,718.85). Financing to be issued at this time - \$275,505.00. (765769/472-83669/490-880).
- c) Improving Boxthorn, Mainsgate, Ayesbury, Boxthorn Ct., Ayesbury Ct. to serve The Fairmont Addition. (north of 21st, west of 127th Street East). Total Cost - \$368,963.42 (plus idle fund interest - \$1,546.33, plus temporary note interest - \$3,052.25). Financing to be issued at this time - \$373,562.00. (765808/472-83484/490-919).
- d) Improving Brookview, Valerie, 34th Street North, Valerie Circle, 34th Street North Courts to serve Tyler's Landing Addition (south of 37th Street North, east of Tyler). Total Cost - \$262,558.96 (plus idle fund interest - \$993.67 plus temporary note interest - \$2,405.38). Financing to be issued at this time - \$265,958.00. (765784/472-83691/490-895).

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- e) Improving Lark, Atlanta, Westgate, Westgate Court, Yosemite, Yosemite Court, and Lamp to serve Southern Ridge Addition (south of Pawnee, west of Maize). Total Cost - \$561,377.50 (plus idle fund interest - \$2,465.25, plus temporary note interest - \$5,485.25). Financing to be issued at this time - \$569,328.00. (765778/472-83681/490-889).
- f) Improving Wilson Estates Court to serve Wilson Farms 4th Addition (south of 21st Street North, west of Webb). Total Cost - \$282,568.89 (plus idle fund interest - \$918.36, plus temporary note interest - \$1,949.75). Financing to be issued at this time - \$285,437.00. (765817/472-83842/490-928).
- g) Improving Hawthorne, Turnberry, and Whitewood to serve Shoal Creek 2nd Addition (west of 143rd Street East, south of Central). Total Cost - \$142,624.38 (plus idle fund interest - \$673.00 plus temporary note interest - \$865.63) Financing to be issued at this time - \$144,163.00. (765821/472-83820/490-932).
- h) Improving Wellington from 27th to 29th Street North (to serve Montrose Addition, Montrose Park Addition, and Bud Palmer Addition) (south of 29th Street North, west of Broadway). Total Cost - \$157,382.17 (plus idle fund interest - \$799.78, plus temporary note interest - \$1,603.05). Financing to be issued at this time - \$159,785.00. (765716/472-83481/490-827).
- i) Improving 28th St. N. to serve Montrose Park and McCoskey Additions (south of 29th Street North, west of Broadway). Total Cost - \$65,023.18 (plus idle fund interest - \$367.87 plus temporary note interest - \$670.95). Financing to be issued at this time - \$66,062.00 (765719/472-83480/490-830).
- j) Improving Pine Meadow Court to serve Pine Meadow 2nd Addition (south of 13th Street North, east of Greenwich). Total Cost - \$111,183.70 (plus idle fund interest - \$360.05, plus temporary note interest - \$656.25). Financing to be issued at this time - \$112,200.00. (765826/472-83459/490-937).
- k) Improving Smithmoor and Bluestem Circle to serve Smithmoor 10th Addition (north of Pawnee, west of Greenwich). Total Cost - \$193,283.00 (plus idle fund interest - \$720.00, plus temporary note interest - \$1,868.00). Financing to be issued at this time - \$195,871.00. (765795/472-83499/490-906).
- l) Improving Twinlake Drive and Court, Watson/Laguna, Morris and Laguna to serve Clear Creek Addition (west of 143rd Street East, South of Kellogg). Total Cost - \$361,877.03 (plus idle fund interest - \$1,559.97, plus temporary note interest - \$3,124.00). Financing to be issued at this time - \$366,561.00. (765801/472-83743/490-912).
- m) Improving Woodcreek, Rosewood, Rosewood Courts to serve Whispering Lakes Estates (south of Harry, east of 143rd Street East). Total Cost - \$341,450.39 (plus idle fund interest - \$1,111.92, plus temporary note interest - \$3,697.69). Financing to be issued at this time - \$346,260.00. (765765/472-83668/490-876).
- n) Improving Sheriac, Decker, Sheriac Circle, and Decker Circle to serve Shadow Woods Addition (north of Maple, west of 135th Street West). Total Cost - \$309,031.21 (plus idle fund interest - \$1,327.54, plus temporary note interest - \$3,036.25). Financing to be issued at this time - \$313,395.00. (765794/472-83721/490-905).
- o) Improving Bedford and Bedford Courts, to serve Grace Park Addition (north of Harry, east of Greenwich) Total Cost - \$87,977.31 (plus idle fund interest - \$350.24, plus temporary note interest - \$808.45) Financing to be issued at this time - \$89,136.00. (765805/472-83797/490-916).
- p) Improving Tara Falls, Funston, Tara Falls Courts and Andrea to serve Tara Falls Addition (south of Harry, east of Greenwich). Total Cost - \$328,347.38 (plus idle fund interest - \$1,467.02, plus temporary note interest - \$3,293.60). Financing to be issued at this time - \$333,108.00. (765770/472-83648/490-881).
- q) Improving Glenwood and Glenwood Courts to serve Reed's Cove and Reed's Cove 2nd Additions (south of 21st, east of 127th Street East). Total Cost - \$237,879.56 (plus idle fund interest -

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\$867.89, plus temporary note interest - \$2,090.55). Financing to be issued at this time - \$240,838.00. (765779/472-83680/490-890).

r) Improving Barton Creek and Barton Creek Circle to serve Willowbend North Estates 2nd Addition (west of Rock, south of 45th Street North). Total Cost - \$215,746.50 (plus idle fund interest - \$845.50, plus temporary note interest - \$1,250.00). Financing to be issued at this time - \$217,842.00. (765816/472-83833/490-927).

s) Improving Forestview, and Forestview Cts., to serve Liberty Park Addition (south of 13th Street, east of 135th Street West). Total Cost - \$220,868.60 (plus idle fund interest - \$791.15, plus temporary note interest - \$2,152.25). Financing to be issued at this time - \$223,812.00. (765768/472-83653/490-879).

t) Improving Brookview, High Point, Pepper Ridge, 34th Street North and Lang to serve Tyler's Landing Addition (south of 37th St. No., east of Tyler). Total Cost - \$211,878.77 (plus idle fund interest - \$775.93, plus temporary note interest - \$1,934.30). Financing to be issued at this time - \$214,589.00. (765793/472-83692/490-904).

u) Improving Zelta, Zelta Cts., Bracken, Bracken Ct., Zimmerly and Zimmerly Ct. to serve Woodland Lakes Estates 3rd Addition (south of Lincoln, west of 127th Street East). Total Cost - \$441,053.55 (plus idle fund interest - \$2,039.70, plus temporary note interest - \$3,002.75). Financing to be issued at this time - \$446,096.00. (765800/472-83715/490-911).

v) Improving Façade Improvements at 200, 220, 250, 300 West Douglas (north of Douglas, west of Main). Total Cost - \$771,033.95 (plus idle fund interest - \$6,890.67, plus temporary note interest - \$4,709.38). Financing to be issued at this time - \$782,634.00. (766005/472-83764/491-006).

w) Improving Façade Improvements at 518 E. Douglas (north of Douglas, east of Emporia). Total Cost - \$40,502.36 (plus idle fund interest - \$670.64, plus temporary note interest - \$250.00). Financing to be issued at this time - \$41,423.00. (766003/472-83666/491-004).

x) Improving Kinkaid, Stoneybrook, Kinkaid Court, and Stoneybrook Courts to serve Brentwood South Addition (east of Webb, north of Pawnee). Total Cost - \$357,338.42 (plus idle fund interest - \$1,079.08, plus temporary note interest - \$3,392.50). Financing to be issued at this time - \$361,810.00. (765790/472-83445/490-901).

y) Improving Flora from St. Louis Ave. to 3rd Street North to serve Fruitvale Park Addition (south of Central, east of Hoover). Total Cost - \$124,041.44 (plus idle fund interest - \$573.01, plus temporary note interest - \$1,287.55). Financing to be issued at this time - \$125,902.00. (765752/472-83621/490-863).

z) Improving Crest Street/Donegal Lane/Bristol Street, Bristol Cts., Crest Court to serve Pine Meadow Addition (east of Greenwich, south of 13th). Total Cost - \$321,188.09 (plus idle fund interest - \$1,488.96, plus temporary note interest - \$2,579.95). Financing to be issued at this time - \$325,257.00. (765803/472-83458/490-914).

aa) Improving Shadybrook/Lindberg to serve Remington Place Addition (east of Webb, south of 21st). Total Cost - \$109,189.95 (plus idle fund interest - \$603.92, plus temporary note interest - \$1,141.13). Financing to be issued at this time - \$110,935.00. (765764/472-83377/490-875).

bb) Improving Cranbrook, Churchill/Shadybrook, 19th St. North, & 19th Court North, to serve Remington Place Addition (east of Webb, south of 21st). Total Cost - \$581,535.11 (plus idle fund interest - \$3,489.31, plus temporary note interest - \$6,560.58). Financing to be issued at this time - \$591,585.00. (765763/472-83376/490-874).

cc) Improving Osie Street from Hydraulic to Kansas to serve Linwood School Addition (south of Harry, east of Hydraulic). Total Cost - \$113,153.14 (plus idle fund interest - \$645.23, plus temporary note interest - \$1,152.63). Financing to be issued at this time - \$114,951.00. (765783/472-83705/490-894).

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dd) Improving Left turn lane at Meridian to serve Harbor Isle 2nd Addition (on Meridian, north of 42nd Street North). Total Cost - \$30,000.00 (less idle fund interest - \$(32.37), plus temporary note interest - \$961.37). Financing to be issued at this time - \$30,929.00. (765601/472-83141/490-712),

ee) Improving Chapel Hill, Crestwood, Bedford, Summerfield Loop Street, and Summerfield to serve Chapel Hill Addition (north of 13th, east of Greenwich). Total Cost - \$579,115.10 (plus idle fund interest - \$4,749.67, plus temporary note interest - \$11,436.23). Financing to be issued at this time - \$595,301.00. (765739/472-83077/490-850).

ff) Improving Peregrine, Peregrine Court, Lanners Circle, Lanners Court, Kite, and Osprey Circle to serve Falcon Falls Addition (south of 53rd Street North, west of Hillside). Total Cost - \$722,557.56 (plus idle fund interest - \$2,746.44, plus temporary note interest - \$6,685.00). Financing to be issued at this time - \$731,989.00. (765782/472-83687/490-893).

gg) Improving 20th Street North from Hydraulic Avenue to Piatt Avenue to serve Parkview Addition (south of 21st, east of Hydraulic). Total Cost - \$111,909.93 (plus idle fund interest - \$1,231.07, plus temporary note interest - \$0). Financing to be issued at this time - \$113,141.00. (765760/472-83651/490-871).

hh) Improving Glenwood and Bridlewood to serve Reed's Cove and Reed's Cove 2nd Additions (south of 21st, east of 127th Street East). Total Cost - \$127,014.23 (plus idle fund interest - \$620.77, plus temporary note interest - \$750.00). Financing to be issued at this time - \$128,385.00. (765823/472-83770/490-934).

ii) Improving Rita, Jewell, Jewell Circle, and Crestline to serve Shelly's Orchard Addition (east of Maize, north of Pawnee). Total Cost - \$204,605.03 (plus idle fund interest - \$851.77, plus temporary note interest - \$1,758.20). Financing to be issued at this time - \$207,215.00. (765804/472-83783/490-915).

jj) Improving Regency Park to serve Regency Park Addition (north of K-96, west of Greenwich). Total Cost - \$132,962.71 (plus idle fund interest - \$507.39, plus temporary note interest - \$1,366.90). Financing to be issued at this time - \$134,837.00. (765807/472-83802/490-918).

kk) Improving Boardwalk to serve properties on Mead, between Douglas and First Street in East Wichita Addition (north of Douglas, east of Broadway). Total Cost - \$53,156.24 (less idle fund interest - \$(925.88), plus temporary note interest - \$3,343.64). Financing to be issued at this time - \$55,574.00. (765641/472-83250/490-752).

ll) Improving Peckham and Peckham Court to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$118,421.97 (plus idle fund interest - \$426.46, plus temporary note interest - \$1,000.57). Financing to be issued at this time - \$119,849.00. (765797/472-83761/490-908).

mm) Improving Reed's Cove to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$127,551.14 (plus idle fund interest - \$500.25, plus temporary note interest - \$1,013.61). Financing to be issued at this time - \$129,065.00. (765796/472-83760/490-907).

nn) Improving Traffic Signalization at the intersection of Socora and Central Avenue to serve Notre Dame High School Addition (east of Tyler on Central). Total Cost - \$38,000.00 (plus idle fund interest - \$256.78 plus temporary note interest - \$743.22). Financing to be issued at this time - \$39,000.00. (765727/472-83515/490-838).

oo) Improving Traffic Signalization at the intersection of Socora and Central Avenue to serve Tyler Acres 6th Addition (east of Tyler on Central). Total Cost - \$90,000.00 (plus idle fund interest - \$1,743.15 plus temporary note interest - \$925.85). Financing to be issued at this time - \$92,669.00. (765723/472-80748/490-834)

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pp) Improving Morris, Red Oaks Circle and Red Oaks to serve Harrison Park 2nd Addition (east of Webb, north of Lincoln). Total Cost - \$168,675.20 (plus idle fund interest - \$3,562.16 plus temporary note interest - \$4,671.64). Financing to be issued at this time - \$176,909.00. (765693/472-83394/490-804).

qq) Improving Bayley, Rue and Lynnae Lane to serve Grace Park Addition (north of Harry, east of Greenwich) Total Cost - \$238,860.36 (plus idle fund interest - \$899.91 plus temporary note interest - \$2,284.73). Financing to be issued at this time - \$242,045.00. (765806/472-83798/490-917).

rr) Improving Den Hollow to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$139,836.51 (plus idle fund interest - \$444.09 plus temporary note interest - \$967.40). Financing to be issued at this time - \$141,248.00. (765815/472-83787/490-926).

ss) Improving Red Fox, Silver Hollow, and Silver Hollow Court to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$205,511.08 (plus idle fund interest - \$419.92 plus temporary note interest - \$1,659.00). Financing to be issued at this time - \$207,590.00. (765814/472-83786/490-925).

tt) Improving Brush Creek, and Brush Creek Court to serve Fox Ridge Addition (north of 29th Street North, west of Tyler) Total Cost - \$169,728.77 (plus idle fund interest - \$472.48 plus temporary note interest - \$1,324.75). Financing to be issued at this time - \$171,526.00. (765813/472-83785/490-924).

uu) Improving Wheatridge, Hornecker, Lynndale, Walker, Rogers, and Irving to serve Wheatridge, C. Pate Addition to Wheatridge, Bledsoe, Bolton, Friess, Wells, Acre Additions; and Unplatted Tracts (north of Kellogg, west of 119th St. W.). Total Cost - \$437,593.40 (plus idle fund interest - \$1,572.60 plus temporary note interest - \$3,655.00). Financing to be issued at this time - \$442,821.00. (765772/472-83684/490-883).

vv) Improving Westlake Parkway from the east line of Lot 174, Block 1 to 80 feet west of the west line of Lot 33, Block 5 to serve Fox Ridge Addition (north of 29th Street North, between Maize and Tyler). Total Cost - \$130,378.86 (plus idle fund interest - \$540.44 plus temporary note interest - \$964.70). Financing to be issued at this time - \$131,884.00. (765811/472-83813/490-922).

ww) Improving Westlake Parkway from the west line of Tyler to the east line of Lot 174, Block 1 to serve Fox Ridge Addition (north of 29th Street North, between Maize and Tyler). Total Cost - \$92,101.22 (plus idle fund interest - \$340.98, plus temporary note interest - \$684.80). Financing to be issued at this time - \$93,127.00. (765810/472-83784/490-921).

xx) Improving Westlake Parkway from 80 feet west of the west line of Lot 33, Block 5 to the west line of Lot 146, Block 1 to serve Fox Ridge Addition (North of 29th Street North, between Maize and Tyler). Total Cost - \$203,142.13 (plus idle fund interest - \$840.12 plus temporary note interest - \$1,502.75). Financing to be issued at this time - \$205,485.00. (765812/472-83814/490-923).

Motion--carried

Mayans moved that the Statements of Cost be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

a) Water Line Easement dated May 4, 2004 from R & R Realty, L.L.C., a Kansas Limited Liability Company for tracts of land located in the Northwest Quarter of Section 33, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (37th Supply Line, OCA # 735176). No cost to City.

b) Water Easement dated June 21, 2004 from Tamara J. Herrman for a tract of land located in the Southwest Quarter of Section 9, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (Project 448-89924, OCA # 735176). No cost to City.

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- c) Utility Easement dated April 12, 2004 from Fox Ridge Development Company, Inc. for a tract of land located in Reserve "B", Fox Ridge Addition, an Addition to Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.
- d) Utility Easement dated May 17, 2004 from The Village Homeowners' Association, a Kansas Corporation for a tract of land located in Lot 10, Block 1, Fourth Addition to Southwest Village, Wichita, Sedgwick County, Kansas (Private project, OCA #607853). No cost to City.
- e) Utility Easement dated December 12, 2003 from Brighton Courts, LLC, a Kansas Limited Liability Company for tracts of land located in Lots 36, 37, and 38, Block 1, Brighton Courts Addition, an Addition to Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.
- f) Utility Easement dated December 12, 2003 from C.V.C. Wichita Associates, L.L.C. for a tract of land located in Lot 5, Block 1, Legacy Park Wilson Estates Addition to Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.
- g) Utility Easement dated May 10, 2004 from Fox Ridge Development Company, Inc. for tracts of land located in Lots 101 and 102, Block 4, and Reserve "G", Fox Ridge Addition, an Addition to Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.
- h) Utility and Drainage Easement dated April 1, 2004 from Marv Schellenberg of Fox Ridge Development Company, Inc., Neil A. Edwards, Molly E. Edwards, Steven P. Rector and Janice A. Rector for tracts of land located in Lots 63 through 76, inclusive, Block 4, Fox Ridge Addition, an Addition to Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.
- i) Drainage and Utility Easement dated April 21, 2004 from 21/127, L.L.C. a Kansas Limited Liability Company, for a tract of land located in Reserve "A" Reed's Cove Addition, an Addition to Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.
- j) Utility Easement dated November 13, 2003 from Twenty First Growth Property, L.L.C. for a tract of land located in Reserve "C", Hawthorne Addition, an Addition to Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.
- k) Utility Easement dated May 10, 2004 from Twenty First Growth Property, L.L.C. for tracts of land located in Lots 1 and 2, Block 1, Hawthorne Addition, an Addition to Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.
- l) Utility Easement dated May 10, 2004 from Twenty First Growth Property, L.L.C. for tracts of land located in Lots 21 and 22, Block 1, Hawthorne 2nd Addition, an Addition to Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.
- m) Sanitary Sewer Easement dated May 28, 2004 from Deborah and William Longnecker for a tract of land located in Lot 7, Block 4, Woodlake 2nd Addition, Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.
- n) Drainage Easement dated May 26, 2004 from Kelsey Investments, Inc., a Kansas Corporation for a tract of land located in Lot 14, Block F, Copper Gates Estates, Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.
- o) Drainage & Utility Easement dated May 26, 2004 from Kelsey Development Inc., a Kansas Corporation for tracts of land located in Lots 1, 2 and 3, Block B, Highland Springs 3rd Addition, Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.
- p) Drainage Easement dated May 5, 2004 from I.T.J. Investments, Inc., a Kansas Corporation for tracts of land located in Lots 9, 13, 14, 18, 19, 24, 25, 33, 34, Block 2; and Lot 18, Block 3, Bay Country, an Addition to Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.

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- q) Drainage and Utility Easement dated May 5, 2004 from I.T.J. Investments, Inc., a Kansas Corporation for tracts of land located in Lots 24, 25, 26, 27, 28, 29 and 30, Block 3, Bay Country, an Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- r) Sanitary Sewer Easement dated April 20, 2004 from Perfection Truss Company, a Kansas General Partnership for a tract of land located in Lot 1, Block A, Santa Fe Orient Industrial District to Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.
- s) Drainage Easement dated April 26, 2004 from Ritchie Development Corporation, a Kansas Corporation for tracts of land located in Lots 10 and 11, Block A; and Lot 11, Block B, Krug North Addition, Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.
- t) Utility Easement dated April 26, 2004 from Ritchie Development Corporation, a Kansas Corporation for tracts of land located in Lot 1, Block A and Lot 11, Block B, Krug North Addition, Wichita, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.
- u) Utility Easement dated March 19, 2004 from Box Development, L.L.C., a Kansas limited liability company for tracts of land located in Lots 5 and 6, Block 1, Hoskinson 2nd Addition, Sedgwick County, Kansas (Private project, OCA #607861). No cost to City.

Motion--carried Mayans moved that the Deeds and Easements be accepted. Motion carried 7 to 0.

BOARDS MINUTES MINUTES OF ADVISORY BOARDS:

Police and Fire Retirement System Meeting, April 1, 2004
Board of Park Commissioners, April 3, 2004
District Advisory Board VI, April 5, 2004
Alternative Correctional Housing Advisory Board, April 8, 2004
Board of Park Commissioners, April 12, 2004
Housing Advisory Board, April 20, 2004
Police and Fire Retirement System Meeting, April 21, 2004
Wichita Employees' Retirement System, April 21, 2004
Board of Park Commissioners, April 26, 2004
Wichita Airport Advisory Board, May 3, 2004
Board of Code Standards and Appeals, May 4, 2004
Wichita Public Library, May 18, 2004
Design Council, May 20, 2004

Motion--carried Mayans moved that the Minutes be received and filed. Motion carried 7 to 0.

LEGACY ADDITION PETITION TO CONSTRUCT A SANITARY SEWER IN THE LEGACY ADDITION, WEST OF MERIDIAN, SOUTH OF MACARTHUR. (DISTRICT IV)

Agenda Report No. 04-0669

On December 16, 2003, the City Council approved a Petition to construct a lateral sanitary sewer in The Legacy Addition. The developer of the addition has submitted a new petition that includes a sewer main benefit fee in the project cost. The area was not previously included in a sewer main assessment district. Plumbing permits for properties that have not been included in a sanitary sewer main improvement district are subject to an additional fee. By including the cost in the lateral sanitary sewer petition, the fee can be paid as a special assessment. The signature on the Petition represents 100% of the improvement district.

The project will serve a new residential development located west of Meridian, south of MacArthur.

The existing Petition totals \$194,000. The new Petition totals \$220,000. The funding source is special assessments.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-342

Resolution of findings of advisability and Resolution authorizing construction of Lateral 497, Southwest Interceptor Sewer (west of Meridian, south of MacArthur) 468-83742, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

BARTLOW 2ND ADD. PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE LOT 17, BLOCK 2, BARTLOW SECOND ADDITION, NORTH OF 43RD STREET SOUTH, EAST OF SENECA. (DISTRICT IV)

Agenda Report No. 04-0670

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide sanitary sewer service to a home on the north side of 43rd Street South, east of Seneca.

The Petition totals \$10,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-343

Resolution of findings of advisability and Resolution authorizing construction of Lateral 32, Main 2, Southwest Interceptor Sewer (north of 43rd Street South, east of Seneca) 468-83847, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

PINE BAY ESTATES PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE LOTS 2-7, BLOCK 2, PINE BAY ESTATES ADDITION, SOUTH OF 63RD STREET SOUTH, EAST OF HYDRAULIC. (DISTRICT III)

Agenda Report No. 04-0671

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide sanitary sewer service to a new residential area on the south side of 63rd Street South, east of Hydraulic.

The Petition totals \$66,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

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RESOLUTION NO. 04-344

Resolution of findings of advisability and Resolution authorizing construction of Lateral 503, Southwest Interceptor Sewer (south of 63rd Street South, east of Hydraulic) 468-83849 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

HYDRAULIC DRIVE PETITION TO PAVE HYDRAULIC DRIVE, SOUTH OF 63RD STREET SOUTH, (DISTRICT III)

Agenda Report No. 04-0672

On March 16, 2004, the City Council approved a Petition to pave a portion of Hydraulic Drive in Pine Bay Estates Addition. The developer has submitted a new Petition to reallocate special assessments within the improvement district. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located along the east side of Hydraulic, south of 63rd Street South.

The project budget is unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-345

Resolution of findings of advisability and Resolution authorizing improving Hydraulic Drive from the north line of Lot 8, Block 2; to the south line of Lot 2, Block 2, Pine Bay Estates (east of Hydraulic, south of 63rd Street South) 472-83967, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CRESTVIEW PETITION FOR SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE PART OF CRESTVIEW COUNTRY CLUB ESTATES-OVERBROOK SECOND ADDITION, EAST OF 143RD STREET EAST, SOUTH OF 13TH STREET. (DISTRICT II)

Agenda Report No. 04-0673

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer and water service to three undeveloped residential lots located on 9th Street, east of 143rd Street East.

The Petitions total \$31,400. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

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Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-346

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89986 (east of 143rd Street East, south of 13th Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-347

Resolution of findings of advisability and Resolution authorizing construction of Lateral 372, Four Mile Creek Sewer (east of 143rd Street East, south of 13th Street) 468-83850, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

AVALON PARK

PETITION FOR STREET PAVING, SANITARY SEWER AND DRAINAGE IMPROVEMENTS FOR AVALON PARK SECOND ADDITION, NORTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT V)

Agenda Report No. 04-0674

The Petitions have been signed by two owners, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer and drainage improvements to a new residential development located north of 37th Street North, east of Tyler.

The Petitions total \$457,900. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-348

Resolution of findings of advisability and Resolution authorizing construction of Lateral 16, Main 19, Southwest Interceptor Sewer (north of 37th Street North, east of Tyler), 468-83748, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-349

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No.224 (north of 37th Street North, east of Tyler) 468-83750, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 04-350

Resolution of findings of advisability and Resolution authorizing improving an accel/decel lane on 37th Street north from the west R/W line of Pepper Ridge Street to the west line of Lot 16, Block 2 (north of 37th Street North, east of Tyler) 472-83900, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-351

Resolution of findings of advisability and Resolution authorizing improving a left turn lane of 37th Street North to serve the east bound left-turn movements into Lot 15, Block 2, Avalon Park Second and the west Bound left-turn movement into Tyler's Landing Commercial from the west property line of Lot 16, Block 2, Avalon Park Second to Pepper Ridge Street (north of 37th Street North, east of Tyler) 472-83901, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-352

Resolution of findings of advisability and Resolution authorizing constructing a traffic signal at the intersection of 37th Street North and Tyler Road (north of 37th Street North, east of Tyler) 472-83907, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-353

Resolution of findings of advisability and Resolution authorizing constructing a traffic signalization at the intersection of 37th Street North and Tyler Road (north of 37th Street North, east of Tyler) 472-84064, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STREET CLOSURES STREET CLOSURES/USES.

Agenda Report No. 04-0675

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

- 1) Lynyrd Skynyrd Concert – Tuesday, July 20, – 6:00 a.m. 7/20 until 6:00 a.m. 7/21
 - West Bank State/Delano Park
 - North McLean Blvd at West 1st Street North
 - North McLean Blvd at West Douglas Avenue
 - North Sycamore Street at West Douglas Avenue
 - North Sycamore Street at North McLean Blvd
 - The sidewalk on the west side of the river be closed between the West 1st Street bridge and the West Douglas Avenue Bridge
- 2) Wichita Open 5K Run & Walk – Saturday, July 24, 7:30 a.m. – 8:45 a.m.
 - Bradley Fair & Wilson Estates
 - 7:30 a.m.-7:50 a.m. – South lane of 21st Street from Bradley Fair Drive to Legacy Park
 - 7:30 a.m.-7:50 a.m. – Part of one lane through Legacy park from 21st to Webb

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7:30 a.m.-8:00 a.m. – Park of north lane of Wilson Estates Road from Webb to Bradley Fair Drive

- 3) Via Christi Walk & Roll – Saturday, September 25, 2004 – 9:00 – 10:00 a.m.
Polo Office Park
Polo to Magill, Post Oak, Broadmoor and return via Magill and Polo

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period

Motion--

Inasmuch as possible, event sponsors are responsible for all costs associated with special events. Mayans moved that the street closures be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.

--carried

STREET CLOSURE

STREET CLOSURE: MACARTHUR ROAD, WEST OF BROADWAY (DISTRICTS III & IV)

Agenda Report No. 04-0739

The Union Pacific Railroad (UPRR) has tentatively scheduled the reconstruction of the railroad crossing on MacArthur Road, west of Broadway. Work is scheduled to begin at approximately 8:30 a.m. Tuesday, July 20th and be completed by Thursday evening July 22nd. During the three-day closure, the railroad will remove the existing track structure with new ballast, ties and rails; install the new crossing material, if available; and pour the new approaches. The above schedule is contingent on acceptable weather conditions.

During the closure, traffic will be detoured using Broadway, 47th and Seneca Streets. The railroad is responsible for the placement of construction signs and barricades and notification of area businesses and residents.

Motion--carried

Mayans moved that the street closure be approved. Motion carried 7 to 0.

66" WATERLINE

CHANGE ORDER - 66" RAW WATERLINE FROM 13TH STREET AND MCLEAN TO 17TH STREET AND SHERIDAN. (DISTRICT VI)

Agenda Report No. 04-0676

On March 4, 2003, the City Council approved a project to construct a 66" raw waterline from 13th and McLean to 17th and Sheridan. The work includes the removal and replacement of existing pavement. Excavation of the old pavement has revealed that some segments are less than four inches in thickness, necessitating much more extensive pavement replacement than originally planned.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$36,510, with \$27,152 paid by Street Maintenance funds and \$9,358 by the Water Utility. The original contract amount is \$4,265,048. The Change Order represents .9% of the original contract amount.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

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Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

2004 STREET REPAIR CHANGE ORDER - 2004 CONCRETE STREET REPAIR PROJECT. (DISTRICT VI)

Agenda Report No. 04-0677

On December 16, 2003, the City Council approved the 2004 Concrete Street Maintenance Repair project. It is an ongoing program to repair and reconstruct streets. In order to improve access to the Korean Veterans' Memorial, a parking bay was constructed on Greenway Boulevard. Since the work was not included in the original construction contract, a Change Order is needed.

The additional work consists of four parking spaces within a turnout-parking bay. Two of the four spaces are reserved for vehicles having handicapped permits. Wheelchair ramps and sidewalks were also installed.

The total cost of the additional work is \$13,728. The original contract amount is \$240,000. The Change Order represents 5.72% of the original contract amount. The project funding source is the General Fund.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

AUBURN HILLS

RESPREAD ASSESSMENTS: AUBURN HILLS 14TH ADDITION, SOUTH OF MAPLE, WEST OF 119TH STREET WEST. (DISTRICT V)

Agenda Report No. 04-0678

The landowners West Wichita Development, Inc., Robl Construction, Inc., Casado-McKay Homes, L.L.C., Randy Ketzner Construction, Inc., Paradigm Homes, L.L.C., Lifestyle Homes Group, Inc., Randy Dean Construction, Inc., Jeremy K. Henak, Jennifer Henak, Lewis A. Kelley, Bree A. Russell, Steve E. Blue, Jr. and Rachelle L. Blue have submitted an Agreement to respread special assessments within Auburn Hills 14th Addition.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot, therefore, distributing the cost of the improvements more fairly. Without the Agreement, the assessments will remain spread on a square foot basis.

There is no cost to the City.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

TELEPHONE SERV. LONG DISTANCE TELEPHONE SERVICE.

Agenda Report No. 04-0679

After the previous long distance contract ended, a Request for Proposal (RFP) was distributed to 23 firms. The City received five responses.

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In addition to price, responses were evaluated upon reliability, network stability, the availability of a local point of presence, electronic billing, installation costs and data exchange with City systems.

SBC met all operational criteria and offers the lowest overall rate among the responding carriers.

The cost of the long distance service is estimated to be approximately \$20,000 annually. Long distance costs are included within departmental budgets. Overall, long distance expenditures are expected to decrease from prior year expenditures.

The Law Department will review the contract as to form.

Motion--
--carried

Mayans moved that the contract with SBC be approved and the necessary signatures authorized. Motion carried 7 to 0.

YWCA

CDBG GRANT-YWCA-WOMEN'S CRISIS CENTER.

Agenda Report No. 04-0680

On March 16, 2004, the City Council allocated Community Development Block Grant (CDBG) funds for the 2004/2005-program year. Included in the 2004/2005 CDBG allocations were funds for women's shelter services. Women's shelter services were procured through a competitive Request for Proposal (RFP).

The contract with the YWCA provides operating assistance for a shelter for victims of domestic violence. The contract term is twelve months beginning July 1, 2004 and ending June 30, 2005. The contract amount is \$157,000 and is funded in the approved 2004/2005 CDBG budget.

A contract has been negotiated with the YWCA and signed by the authorized representative.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

ESG CONTRACTS

EMERGENCY SHELTER GRANT (ESG) CONTRACTS.

Agenda Report No. 04-0681

On March 16, 2004 the City Council approved the final 2004 Emergency Shelter Grant (ESG) allocations to be included in the City's Consolidated Plan and the one-year action plan. Allocations were approved following recommendations provided by the Grants Review Committee and the Community Council for Homeless Advocacy (CCHA). The funding assists a number of homeless agencies with operations, essential services and homeless prevention services. The total funding allocated for the Emergency Shelter Grant contracts for 2004-2005 is \$123,363.

The contracts before the Council are for implementation of the Consolidated Plan homeless services activities. Housing Services is requesting approval of the 2004-2005 ESG contracts as follows: 1) Catholic Charities, Inc. for the Anthony Family Shelter in the amount of \$24,927 for operations and essential services; 2) Catholic Charities, Inc. for Harbor House, in the amount of \$6,894 for operations; 3) Center of Hope, Inc., in the amount of \$10,000 for homeless prevention activities; 4) Interfaith Ministries, Inc. for the Interfaith Inn, in the amount of \$24,573 for operations and essential services; 5) Interfaith Ministries, Inc., for the Interfaith Safe Haven, in the amount of \$9,042 for operations; 6) The Salvation Army, in the amount of \$22,748 for operations and essential services; 7) United Methodist Urban Ministries for the Drop In Center, in the amount of \$21,447 for operations and essential services; 8) The YWCA of Wichita for the Women's Crisis Center, in the amount of \$3,732 for operations. The contract period in all cases will be from July 1, 2004 through June 30, 2005.

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Funding for the Emergency Shelter Grant program is provided under the McKinney-Vento Homeless Assistance Act through the U.S. Department of Housing and Urban Development. All agencies awarded funding for ESG grants must provide an equal match in cash or in-kind contributions

Motion--
--carried

Mayans moved that the contracts be approved and the necessary signatures authorized. Motion carried 7 to 0.

HARVEST RIDGE

RESPREAD ASSESSMENTS: HARVEST RIDGE ADDITION, AT MAIZE ROAD, NORTH OF K-42 HIGHWAY. (DISTRICT IV)

Agenda Report No. 04-0682

The landowner, Kick'n Development Corporation, has submitted an Agreement to respread special assessments within Harvest Ridge Addition.

The land was originally included in an improvement district for a main sewer improvement project. The purpose of the Agreement is to respread special assessments on a fractional basis for each whole lot and remove special assessments from small pieces of lots, therefore, distributing the cost of the improvement more fairly. Without the Agreement, the assessments will remain spread on a square foot basis.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

FOUTS GELLER DEV. **EASEMENT ENCROACHMENT -FOUTS GELLER DEVELOPMENT CO., LLC (DISTRICT V)**

Agenda Report No. 04-0683

The Agreement allows Fouts Geller Development Co. LLC, to occupy and construct, improvements on, over, and across a public utility easement 20 feet in width described as the north 20 feet of Lot 1, Block C, Fossil Rim Estates Addition; hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement.

The improvement is a concrete wall in the above said 20-foot utility easement. The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

HASZ EASEMENT

EASEMENT ENCROACHMENT-MAX E. & LOIS L. HASZ (DISTRICT V)

Agenda Report No. 04-0684

The Agreement allows Max E. & Lois L. Hasz to occupy and construct, improvements on, over, and across a public utility easement described as the south 10 feet of Lot 15 and a utility easement 20 feet in width described as the west 20 feet of Lots 15 & 16 thereof, all in Block 2, Miles Lakewood Village 2nd Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement.

The improvements are a masonry wall, two wood decks, an air conditioner unit, and the west wall of an enclosed pool area. The Agreement allows the City to be held harmless from any and all claims

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resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

PUMP STATION

PUMP STATION AT FERRELL AND 15TH STREET. – SUPPLEMENTAL.

Agenda Report No. 04-0685

On September 9, 2003, the City Council approved a Contract with MKEC Engineering Consultants to provide engineering and design services for replacing a sanitary sewer pump station and a sewer line. The pump station is located on the east side of the Little Arkansas River near 15th Street and Ferrell with the sewer line running underneath the river.

The project for replacing the existing sanitary sewer lift station, and abandonment of the existing siphon lines under the Little Arkansas River near 15th Street North and Ferrell, was revised. The pump station will be located in a portion of 15th Street, between Ferrell and Jeanette, where 15th Street has been closed.

The amended Scope of Services includes the design of a roofed enclosure for the pump station and attendant electrical equipment, including the emergency generator. The structure will have the character of a residential garage. Property surveys, geotechnical services, drawings for the relocation of a storm drain in 15th Street and additional construction observation services, if authorized, are included in the amended Scope of Services. Architectural renderings and additional public and Staff meetings will be required as part of the extended services.

A budget of \$260,700 is available for design and construction. Funding is included in CIP S-4, Reconstruction of Old Sanitary Sewers. The additional cost for the amended Scope of Services will not exceed \$10,300 for design services and not exceed \$1,200 for construction observation services.

City Council approval is required for Agreements over \$10,000.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

PUBLIC TRANSPORT. FUNDING FOR PUBLIC TRANSPORTATION.

Agenda Report No. 04-0686

Each year the Federal Transportation Administration (FTA) provides grant money for use in providing urban public transportation services. The amount of funding is based upon a complex formula involving miles driven, passenger rides provided, population area and density served, etc.

The 2000 census figures enlarged the service area for which the City of Wichita is allowed to seek funds to include all of Sedgwick County and other incorporated entities within the urbanized area (UZA). The City can request funds for public transportation services to enhance the programs of Sedgwick County and the urbanized area, and pass through those funds to the County and the City of Andover, up to the sum of \$54,500.00 as determined by the formula.

The City will have no part in operating these transportation programs. It will give guidance for the federal reporting required under the grant. By the interlocal agreements, the County and the City of Andover will agree to adhere to all federal program requirements to the grant.

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Motion--
--carried

Mayans moved that the inter-local agreements be approved and the necessary signatures authorized. Motion carried 7 to 0.

TYLER/YOSEMITE

TYLER AT YOSEMITE INTERSECTION. (DISTRICT IV) – SUPPLEMENTAL.

Agenda Report No. 04-0687

On June 3, 2003, the City entered into an Agreement with Poe & Associates of Kansas, Inc. for designing improvements to Tyler at Yosemite intersection. The fee was \$25,860.

The Kansas Department of Transportation (KDOT) has requested that the RCB under Yosemite be extended and the guard fence attached to the south end of the Cowskin Creek Bridge be replaced. The proposed Supplemental Agreement between the City and Poe provides for the additional design services.

Payment will be on a lump sum basis of \$6,720 and will be paid by General Obligation Bonds.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

PAWNEE/WASHING.

**CONSULTATION SERVICES FOR ACQUISITION AND RELOCATION:
PAWNEE/WASHINGTON INTERSECTION PROJECT. (DISTRICT III)**

Agenda Report No. 04-0688

The widening and improvement of the intersection of Pawnee and Washington will require the acquisition of 6 tracts. These tracts require acquisition and relocation. The tracts include both residential and commercial properties. There are also several site signs that will need to be relocated. Relocation is very labor intensive. With current staffing levels, relocation assistance is required.

Proposals to provide acquisition and relocation services were solicited from qualified firms. Three firms submitted proposals. Land Acquisitions, Inc. was selected from among the proposals by the review committee based on qualifications and the lowest cost. Based on their proposal, it is estimated that \$11,000 will be sufficient to complete the assignment.

Funding is available within the project budget to fund the proposed increase. Project costs will be funded with general obligation bonds.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

HIDDEN GLEN ADD.

**DESIGN SERVICE AGREEMENT - HIDDEN GLEN ADDITION, WEST OF HYDRAULIC,
SOUTH OF 44TH STREET SOUTH. (DISTRICT III)**

Agenda Report No. 04-0689

The City Council approved the water distribution system, sanitary sewer, storm water sewer and paving improvements in Hidden Glen Addition on February 10, 2004.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer, storm water sewer and paving in Hidden Glen Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$51,600, and will be paid by special assessments.

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Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

REED'S COVE 3RD

DESIGN SERVICE AGREEMENT - REED'S COVE THIRD ADDITION, EAST OF 37TH STREET EAST, SOUTH OF 21ST STREET. (DISTRICT II)

Agenda Report No. 04-0690

The City Council approved the water distribution system, sanitary sewer and storm water sewer improvements in Reed's Cove 3rd Addition on May 18, 2004.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer and storm water sewer in Reed's Cove 3rd Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation. Payment to Baughman will be on a lump sum basis of \$51,400, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

FOX RIDGE ADD.

DESIGN SERVICE AGREEMENT - FOX RIDGE ADDITION, EAST OF MAIZE, NORTH OF 29TH STREET NORTH. (DISTRICT V)

Agenda Report No. 04-0691

The City Council approved the water distribution system, sanitary sewer, storm water sewer and paving improvements in Fox Ridge Addition on May 18, 2004.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer, storm water sewer and paving in Fox Ridge Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$120,900, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

OXFORD ADD.

DESIGN SERVICE AGREEMENT - HINKLE'S NORTHEAST ELEMENTARY SCHOOL AND IRONHORSE AT OXFORD ADDITIONS, WEST OF WOODLAWN, SOUTH OF 29TH STREET NORTH. (DISTRICT I)

Agenda Report No. 04-0692

The City Council approved traffic signalization on Woodlawn at the major entrances to Northeast Elementary School and Hinkle's Additions on June 8, 2004.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of traffic signalization for Hinkle's, Northeast Elementary School and Ironhorse at Oxford Additions. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

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Payment to MKEC will be on a lump sum basis of \$26,400, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

37TH/TYLER

DESIGN SERVICE AGREEMENT - ASSOCIATED WITH 37TH STREET NORTH IMPROVEMENTS, BETWEEN TYLER AND RIDGE. (DISTRICT V)

Agenda Report No. 04-0693

The City Council approved the paving, bridge, drainage and water improvements for 37th Street North, between Tyler and Ridge on February 10, 2004.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond-financed improvements consisting of the water and bridge for 37th Street North, between Tyler and Ridge. Per Administrative Regulation 7a, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the adjacent subdivision and can expedite plan preparation.

Payment to PE will be on a lump sum basis of \$67,000 and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

21ST /GREENWICH

DESIGN SERVICE AGREEMENT - MAIN 16, FOUR MILE CREEK SEWER, 21ST STREET AND GREENWICH. (DISTRICT II)

Agenda Report No. 04-0694

The 2004 Capital Improvement Program includes funding for reconstruction of old sanitary sewers.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of Main 16, Four Mile Creek Sewer. The Staff Screening & Selection Committee selected PEC for the design on May 6, 2004.

Payment to PEC will be on a lump sum basis of \$26,000, and will be paid by the Water Utility.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

PINE BAY ESTATES

DESIGN SERVICE AGREEMENT - PINE BAY ESTATES, EAST OF HYDRAULIC, SOUTH OF 63RD STREET SOUTH. (DISTRICT II)

Agenda Report No. 04-0695

The City Council approved the paving improvements in Pine Bay Estates on March 16, 2004.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond-financed improvements consisting of paving in Pine Bay Estates. Per Administrative Regulation 7a, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

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Payment to PEC will be on a lump sum basis of \$12,600, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

CONTRACTS

CONTRACTS & AGREEMENTS, BLANKET PURCHASE ORDERS RENEWAL OPTIONS.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

STORAGE TANKS

NORTHEAST ELEVATED STORAGE TANK-CHANGE ORDERS 1 AND 2.

Agenda Report No. 04-0696

An elevated storage tank is being constructed on 53rd Street North between Rock Road and Webb Road. The engineering firm of Black & Veatch designed the storage tank and the prime contractor is Landmark Structures I, L.P.

During the interim between accepting the bid and the start of construction, several changes in the scope of the project were required. Landmark Structures is seeking acceptance of two Change Orders to adjust the Contract price, based on changes in the Scope of Services.

CO 1: Net increase of \$34,937 (2.0% of the original Contract price). This Change Order covers costs and allowable Contract times, based on delays in the project that were not the responsibility of Landmark. The start of construction was delayed while reviews of the tower location were performed at the request of the City of Bel Aire.

CO 2: Net decrease of \$41,620 (2.4% of the original Contract price). Prior to the start of construction, Landmark proposed some changes based on their experience with construction of storage tanks. Staff, along with Black & Veatch, reviewed the list of changes. Fifteen Items were accepted, with six being rejected to arrive at the net decrease.

The net change in the Contract, after considering the two Change Orders, amounts to a deduction of \$6,683. The new Contract total will be \$1,741,517. Funding for the project is available in CIP W-811 (NE Elevated Water Tank).

City Council approval is required for Items of \$10,000 or more.

Motion--
--carried

Mayans moved that the Change Orders be received and filed and the necessary signatures authorized. Motion carried 7 to 0.

GARDNER

SETTLEMENT OF CLAIM – GARDNER.

Agenda Report No. 04-0697

In 2002, the plaintiff Gardner suffered various injuries incurred while a passenger in a vehicle involved in a collision with a City of Wichita bus.

After investigation and evaluating the extent of the claimed damages, and considering the risks of trial, it was determined that a resolution of this matter is appropriate. The City has been offered an opportunity to resolve the claim with a lump sum payment as full settlement of all claims arising out of this incident. No admission of liability is made by the City. The purpose of the settlement is to resolve a disputed claim.

Funding for this settlement is from the tort claims fund.

The Law Department recommends acceptance of the offer of settlement.

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Motion--
--carried

Mayans moved to authorize payment of \$20,000 as a full settlement of the case. Motion carried 7 to 0.

O'BRIEN

SETTLEMENT OF CLAIM – O'BRIEN.

Agenda Report 04-0698

The plaintiff experienced three sanitary sewer back-ups at her residence in the 1400 block of N. Rock Road over a two-year period from February 2001 to March 2003. As a result she sustained damage to her personal property; damage to her real estate and other expenses related to her inability to make full use of her residence for several months.

It is likely that a trial of this matter will result in a finding that the City was negligent in maintaining its sanitary sewer lines. A large portion of plaintiff's claimed damages relate to the diminished value of her real estate and the costs associated with repairing and cleaning it to a condition where it could be sold. The plaintiff has proposed a settlement based on the City purchasing her residence for \$120,000. In addition, the City would pay the plaintiff \$40,000 and reimburse her for not to exceed \$5,000 for moving expenses. It is almost certain that a jury verdict in this matter would exceed the approximate \$45,000 to be paid to the plaintiff and the estimated clean up and transfer costs for purchasing and selling her residence.

The cost of this settlement will be paid from the City's tort claims fund and ultimately will be allocated to the Water and Sewer Utility.

The Law Department recommends acceptance of the plaintiff's offer of settlement of this lawsuit.

Motion--
--carried

Mayans moved that the purchase of 1441 N. Rock Rd. #102 for \$120,000 be approved; payment to the plaintiff of \$40,000 and reimbursement of plaintiff's moving expenses in an amount not to exceed \$5,000. Motion carried 7 to 0.

MAKE READY CONT. APPROVAL OF MAKE READY CONTRACTORS.

Agenda Report No. 04-0699

The Housing Services Department, Public Housing Division's maintenance staff normally makes rental apartments and houses ready for a new resident after a previous resident vacates. Maintenance can make ready an average of 80 units per year. When the number of move outs exceeds the volume that staff can rehabilitate within a reasonable time, Public Housing supplements the maintenance staff's activities with the use of independent contractors to do the cleaning and repairs necessary to make units ready for occupancy. A contractor is also used when handicap accommodations are requested and constructed for existing residents. To obtain the most qualified contractors to do such work that would be most beneficial, a Request for Proposal was sent to construction contractors. Five qualified responses were received.

A selection committee reviewed the proposals. Each proposal was evaluated on the basis of qualifications, experience, references and cost. Based on these criteria, Arambula Construction and DRM Construction were selected for the make ready construction repairs.

The contracts will not obligate the City to any specific purchases or volume of construction repair services.

The Law Department will review and approve the contracts as to form. The contract will be for one year with two annual renewal options.

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Motion-- Mayans moved that the selection of Arambula Construction Company and DRM Construction be approved; staff be authorized to develop the contracts and provide the necessary signatures.
--carried Motion carried 7 to 0.

WATER SALES TAX DEPOSIT FOR WATER DEPARTMENT SALES TAX CASE.

Agenda Report No. 04-0700

The Kansas Department of Revenue commenced a sales tax audit of the City in October 2003. The City initially granted a waiver of the period for assessment, allowing until June 25, 2004 for Department of Revenue to finish the audit and assess any balance due on the first nine months of the audit period (i.e., November 2000 through July 2001). The Department of Revenue failed to complete its audit by June 25, 2004. Although the auditor requested an additional extension, the Department of Revenue would not agree to waive any interest in connection with that request, and the request was not granted. On June 25, 2004, the Department of Revenue assessed sales and use taxes, interest and penalties totaling \$198,987, largely based on estimates.

The Department of Revenue has used the "estimate" procedure to issue an assessment by a statutory deadline, with a view to figuring out what may actually be due during the 270-day "informal conference" period thereafter. The issuance of the assessment notice also allows the City, pursuant to K.S.A. 75-5153, to deposit funds against the potential tax, penalty and interest liabilities to stop accumulation of additional interest. This is an important right, because the statutory interest rates applicable to tax assessments are very high, essentially functioning as additional penalties. For part of the period at issue, the statutory rate is 10%, and for the remaining portion, 9%. By contrast, the average annualized rate of return on the City's pooled funds (as of the last quarterly financial report) is less than 2%.

Because the rate of interest imposed by statute is abnormally high in relation to market rates, it is in excess of the interest the City can reasonably expect to earn by retaining and investing its funds. Accordingly, it makes sense for the City to submit a deposit to limit the accrual of additional interest at the statutory rates. Funds for the deposit are available from contingency funds or savings in the Water Department budget.

The Department of Revenue has advised that it expects the taxes actually determined to be lower than its estimate, and that the assessment notice will limit it to the amounts of tax and penalty assessed therein. Consequently, a deposit in the amount of \$198,987 will be effective under K.S.A. 75-5153 to limit accrual of additional interest for liabilities that might be finally adjudicated in these cases.

Motion-- Mayans moved to authorize the deposit with KDOR to be made in an amount up to \$198,987, from funds in the Water Department budget, and authorize staff to make any necessary budget
--carried adjustments. Motion carried 7 to 0.

KS EMER. SHELTER KANSAS EMERGENCY SHELTER GRANT PROGRAM.

Agenda Report No. 04-0701

The State of Kansas receives Emergency Shelter Grant funds under the McKinney-Vento Homeless Assistance Act, which are in turn awarded to local units of government on behalf of homeless service providers. At its April 6, 2004 meeting the City Council approved the submission of a 2004 Kansas Emergency Shelter Grant Program (KESGP) application for \$100,295 local homeless assistance programs.

On June 30, 2004, the City received notification it was awarded a grant of \$60,553 from the 2004 KESGP competition. Of that amount, \$59,000 is available in three homeless services program categories for allocation to agencies. The balance of funding, \$1,553 will be retained by the City to offset administrative expenses.

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On July 6, 2004 the Community Council on Homeless Advocacy (CCHA), the recognized body for homeless planning and advocacy met to provide the City Council with its recommendations for allocating the available KESGP funds.

The total agency requests and the amount of the 2004 KESGP grant line Items awarded are:

ESG Program Category	Total Requested	Amount Awarded
Operations	\$ 73,682	\$39,000
Essential Services	16,613	13,000
Homeless Prevention	<u>10,000</u>	<u>7,000</u>
Total	\$100,295	\$59,000

Homeless provider agencies that requested a KESGP grant received a grant allocation recommendation from the CCHA. The CCHA recommendations for allocation of the awarded funds are as follows:

Catholic Charities Anthony Family Shelter – \$ 8,006 for operations and \$2,113 for case management services.

Center of Hope - \$7,000 in homeless prevention funds to provide rent and rental assistance for families facing evictions and utility shut-offs.

Inter-Faith Ministries – Interfaith Inn - \$7,560 for operations and \$8,387 for case management services.

Interfaith Ministries – Safe Haven - \$2,500 for essential services for case management services.

Salvation Army Emergency Lodge – \$10,360 for operations of the emergency shelter.

United Methodist Urban Ministry – \$10,360 for operations of the drop in center.

YWCA Women's Crises Center – \$2,714 for operations of the domestic violence shelter.

Each homeless services provider agency will be required to provide a dollar for dollar match for allocated funds.

All KESGP funds allocated to homeless providers will be distributed under individual provider contracts, which will be approved as to form by the City Law Department. The contract dates will be approved retroactively to July 1, 2004 and end on June 30, 2005.

Motion--

Mayans moved that the receipt of the funding be authorized; the final agency allocations for awarded 2004 KESGP funds be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

HOME PROGRAM

HOME PROGRAM FUNDING REQUEST. (DISTRICTS I, III, IV, V, VI)

Agenda Report No. 04-0702

During the 2003-2004 Consolidated Plan funding process, a total of \$440,700 in HOME funding was allocated for the Housing Development Loan Program (HDLP). The HDLP is designed to provide subsidies for infill housing projects, to support the development of real estate that is idle or under-utilized, and to provide needed housing for underserved populations. Funding may be provided to non-profit or for-profit organizations, and may be utilized within the boundaries of the City's Redevelopment Incentives Area. Loan structure is dependent upon the type of project to be financed.

Habitat for Humanity (Habitat) has applied for \$100,000 in funding from the HDLP, in order to acquire sites for the development of up to 11 single-family homes. The sites to be acquired will be vacant lots or lots with vacant, blighted structures. Funding would also be provided for demolition expenses. Habitat will construct homes on the acquired sites for eligible owner-occupant families. Habitat's

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program typically involves the donation of materials and volunteer labor, as well as "sweat equity" provided by the homebuyer.

Staff is recommending funding in the amount of \$50,000 for the project, following discussions with Habitat representatives. Housing Services staff will evaluate proposed site purchases on a case-by-case basis, with environmental reviews to be conducted by the Planning Department. Families entering into agreements with Habitat will receive down payment and closing costs assistance through the City's HOMEownership 80 Program.

The Housing Advisory Board has reviewed the request and recommended approval of funding in the amount of \$50,000, by a unanimous vote.

Funding will be provided in the form of zero-interest development subsidy loans. Habitat typically provides end-buyers with zero-interest mortgage loans in connection with the purchase of their homes. This waiver of interest is considered to be eligible match for the City's HOME program, and assists the City in meeting its 25% local match obligation.

Motion--

Mayans moved that the HOME Program funding in the amount of \$50,000 under the Housing Development Loan Program be approved; the funding agreement approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

BEAUTYFIRST

APPROVAL OF SITE LEASE FOR BEAUTYFIRST PROJECT. (DISTRICT II)

Agenda Report No. 04-0703

On February 3, 2004, the City Council approved an incentive package for the retention and expansion of the BeautyFirst corporate headquarters in Wichita. The incentive package includes the City's acquisition of a five-acre site for the project, located in the Regency Park industrial park near K-96 and Greenwich Road. In addition, the City Council approved a letter of intent to issue industrial revenue bonds (IRBs) in an amount not-to-exceed \$3,000,000 to finance the construction of the new BeautyFirst corporate headquarters and distribution facility, and a five-plus-five year tax exemption on bond-financed property.

The City has purchased the project site for a total cost of \$218,000. The Developer, RiverSharpe Properties, LLC, is ready to begin construction on the 12,000 sq. ft. corporate office building and a 41,000 sq. ft. warehouse distribution facility. Before the Developer can take possession of the site and begin construction activities, a site lease agreement must be executed between the Developer and the City of Wichita.

The Site Lease serves two essential purposes: Under state law, property financed by IRBs is held in title by the issuing authority until the bonds are retired. The Site Lease allows the City to retain title to the underlying land until the bonds are retired, even though the land is not financed by IRBs. In addition, the Site Lease provides a "claw-back" mechanism that allows the City to claim restitution of its incentives in the event BeautyFirst does not retain its corporate headquarters in Wichita for at least ten years. This is done in the form of a "liquidated damages" provision that would require the Developer to pay the City its cost of purchasing the land in such an event.

Funds for the purchase of the five-acre project site, in the amount of \$218,000, were paid from the appropriated general fund reserve. The Site Lease contains a purchase option that allows the Developer to purchase the land for \$1.00 when all bonds have been retired.

The Site Lease includes a subordination agreement that subordinates the City's ownership in the land to its pledge of the land as security for the IRBs. In the event of a default on the bonds, the City might lose ownership of the land; however, its rights to liquidated damages under the Site Lease would survive.

Motion--

Mayans moved that the Site Lease and Subordination Agreement with RiverSharpe Properties LLC be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

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CORRIDOR STUDY K-254 CORRIDOR STUDY COALITION RESOLUTION.

Agenda Report No. 04-0704

Sedgwick County has requested the participation of the City of Wichita in an economic development study of the K-254 highway corridor between the cities of Wichita and El Dorado.

Kansas Highway 254 in northeast Sedgwick County has been improved in recent years to expressway standards and is a major connecting link between Wichita and El Dorado. This section of K- 254 ("K-254 Corridor") holds potential for developing future economic growth and development for the communities along the corridor, including the City of Wichita. The potential economic development opportunity along this K-254 Corridor warrants funding a study to identify and assess the opportunities, issues, strengths, and weaknesses associated with future commercial and industrial development that will occur in this K-254 Corridor, and to take advantage of the economic potential and utility value of the existing highway.

Sedgwick County and Butler County have taken the lead in forming the "K-254 Corridor Study Coalition," which in addition to the two counties and the City of Wichita, is expected to include the City of El Dorado, the City of Benton, the City of Kechi, the City of Bel Aire, and the City of Towanda. The Coalition will form an inter-local entity to fund and hire a consultant to carry out the Corridor Study.

The cost of the Study is estimated not to exceed \$60,000.00. The City of Wichita's share will not exceed \$2,250.00, to be funded from the economic development fund. Sedgwick County and Butler County's share will not exceed \$22,500.00 each. Each participating city will contribute an additional \$2,250.00.

The resolution authorizes the City's participation in the Coalition and authorizes funding of its designated share. Actual funding, however, is contingent on approval and execution of an interlocal cooperation agreement between the participating jurisdictions.

Motion--

Mayans moved that the resolution authorizing participation in the K-254 Corridor Study Coalition be adopted and the contingent funding in the amount of \$2,250.00 approved. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-359

A Resolution authorizing participation in the K-254 Corridor Study Coalition, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

FALSE ALARMS FALSE ALARM TRACKING PROGRAM MODIFICATIONS.

Agenda Report No. 04-0705

In March 1999, the City revised the Alarm Systems ordinance to include an alarm owner registration process. After issuing a Request for Proposal (RFP), Electronic Data Systems Corporation (EDS) was selected to provide a false alarm tracking and billing system for the City. EDS currently provides alarm owner registration, false alarm tracking, billing and collection, financial reporting, and distribution of educational materials upon request. In January 2004, the Council approved an amendment to the EDS contract to authorize a collection agreement between EDS and a City approved third-party collection agency. The collection enhancement to the system is currently in progress.

Alarm owner registration is seen as a key component to the False Alarm Tracking and Billing system and City contract fees are based on a "not-to-exceed" volume of registration activity. The EDS contract states that the City will be charged \$.75 for each alarm owner registration over 33,000. Due to the tendency for alarm owners to move and change monitoring businesses, the alarm owner database is growing at an unanticipated rate and the City has been assessed excess charges.

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The proposed modifications will provide City generated reports of registration activity that will be provided to alarm businesses for review and update. The alarm businesses will update the reports and return them to the City contractor, who will in turn, update the City's registration activity, thereby reducing the number of inactive alarm registration permits in the system. This change, along with assigning expiration dates to unused alarm permits, will reduce the possibility of increased alarm owner registration activity fees from the City's contractor. Additional modifications will further assist with the collection enhancement, which is now in progress.

The purpose of Chapter 3.40 Alarm Systems is to reduce the number of false alarm activations that require a response by the City's emergency personnel. The March 1999 changes to the Alarm Systems ordinance, requiring alarm owner registration, have proven to be effective. The number of false alarm activations from, 1998 to 2002, decreased from 37,000 to 25,000, a total reduction of 33%.

The proposed cost to modify the EDS Alarm Tracking and Billing System is \$14,625 in one time costs. These costs will be funded by money available in the original False Alarm Tracking Modifications project budget.

Motion-- Mayans moved to authorize the appropriate signatures to sign the purchase order with Electronic Data Systems Corporation and the spending of available False Alarm Tracking Modifications project funds for the required modifications. Motion carried 7 to 0.
--carried

LEAD BASED PAINT LEAD-BASED PAINT HAZARD REDUCTION DEMONSTRATION GRANT APPLICATION.

Agenda Report No. 04-0706

The Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA) for Healthy Homes and Lead Hazard Control Programs. Included in the NOFA is a Lead-Based Paint Hazard Reduction Demonstration Grant, which provides funds to eliminate lead based paint hazards in eligible privately owned rental and owner-occupied housing units.

The City applied for a similar grant in 2002 but did not receive an award.

Lead-based paint is a major source of lead poisoning for children and can affect adults. Even low levels of lead in children can result in retarded mental and physical development, learning disorders, behavior problems, and reduced attention span. Lead can cause abnormal fetal development in pregnant women. Severe lead poisoning in children and adults can cause irritability, poor muscle coordination and damage to the kidneys, nerves and brain. Lead poisoning also may increase blood pressure in adults.

The current application will focus on homes in the McAdams neighborhood, and other high-risk areas identified by the State. McAdams was selected as a focal point because of the age of housing as well as the ongoing revitalization efforts and community involvement. The grant will provide funds to abate potential lead hazards in homes: 1) where children under six have been tested and found to have high blood lead levels; 2) where children are present but who have not been tested or have high test levels; 3) in homes which have high levels of lead hazards based on paint testing. The Sedgwick County Health Department will provide referrals to the City's program through its education and outreach efforts. In addition, the City will continue working closely with the Kansas Department of Health and Environment/Childhood Lead Poisoning Prevention Program, to develop a strategic plan to eliminate childhood lead poisoning as a major public health problem by 2010.

Homes which receive lead grant abatement assistance, will also be eligible for comprehensive home repair services utilizing other Housing Services Department repair programs. This additional repair will provide part of the required 25% match for the grant. The application must be postmarked by July 13, 2004.

The application is for \$3M, which will fund two new positions as well as cover lead abatement costs, over a three-year period. The grant requires a 25% match, which will be met through the use of the

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department's home repair programs, which will be paired with the lead abatement funds. In addition, salaries of current staff that will provide program oversight will be counted toward the match.

Motion--
--carried

Mayans moved that the application for grant funds and the necessary signatures for the application and necessary signatures if funding is awarded be authorized. Motion carried 7 to 0.

13TH STREET BRIDGE 13TH STREET BRIDGE AT COWSKIN CREEK BETWEEN 135TH STREET WEST AND 119TH STREET WEST. (DISTRICT V)

Agenda Report No. 04-0708

On October 7, 2003, the City Council approved a project to replace the 13th Street Bridge at Cowskin Creek. The Kansas Department of Transportation has subsequently agreed to participate in funding approximately 1/2-mile of 13th Street paving to the west of the bridge. The pavement is needed to provide an adequate detour while the new bridge is being built. The pavement type will be an asphalt mat roadway, which will serve until the street is paved to an urban standard. The City's share of the previously approved budget is sufficient, but additional Federal funding is needed.

An amending Ordinance has been prepared to increase the authorized budget.

The current budget totals \$3,020,000, with \$1,020,000 paid by the City and \$2,000,000 by Federal Grants administered by the Kansas Department of Transportation. The revised budget is \$3,120,000 with \$1,020,000 paid by the City and \$2,100,000 by Federal Grants.

Motion--carried

Mayans moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Ordinance No. 45-907 of the City of Wichita, Kansas declaring 13th Street North, from a point approximately 100 feet west of Azure to a point approximately 300 feet east of Cedar Park Street, including the 13th Street Bridge at Cowskin creek (472-83851) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

BROOKS LANDFILL AMENDMENT TO AGREEMENT FOR BROOKS LANDFILL TECHNICAL SERVICES. (DISTRICT VI)

Agenda Report No. 04-0709

On March 1, 2002, the City contracted Camp Dresser & McKee (CDM) to provide technical services related to groundwater management at Brooks Landfill.

Recent new groundwater sampling requirements enacted by the Kansas Department of Health and Environment (KDHE) make it necessary to amend the scope of this agreement to allow CDM to provide additional assistance to the City in submitting semi-annual groundwater reports.

The semi-annual groundwater reporting to KDHE was previously provided using in-house staff to submit required data and reports. KDHE has recently added technical requirements for these reports, which include groundwater mapping and statistical analysis beyond the capabilities of the City's current in-house staff, and require assistance of a consultant.

CDM is the City's consultant on groundwater remediation programs at Brooks Landfill, and they are familiar with the KDHE requirements for these reports, as well as the groundwater sampling programs at Brooks.

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The amended scope of work includes performing statistical analysis on the City's September 2003 and March 2004 groundwater sampling reports, developing a sampling schedule and listing of technical requirements for future KDHE reports, and installing required monitoring wells. The September and March reports are due to KDHE, and the City needs immediate technical assistance to satisfactorily complete them.

Once we become current with the required material to KDHE, we will send out RFPs and hire a new consultant for future technical assistance and reporting to KDHE.

The cost of these services is estimated to be \$23,060. Funds are available in the Landfill budget.

Motion--
--carried

Mayans moved that the Amendment to the Agreement with Camp Dresser and McGee be approved and the necessary signatures authorized. Motion carried 7 to 0.

PUBLIC EXIGENCY

PUBLIC EXIGENCY PROJECT, SANITARY SEWER AND DRAINAGE CHANNEL REPAIRS. (DISTRICT III)

Agenda Report No. 04-0710

Recent storms have washed out a portion of the creek bank along Dry Creek, just west of 3614 E. Elmwood. The washout has left a 24" sanitary sewer exposed in the creek, where the bank used to be. Storm Water Utility will repair the eroded creek bank before it deteriorates to a point it will cause substantial flooding to the areas residents.

Staff recommends installing reinforced concrete encasement around the 24" sanitary sewer to ensure the structural integrity of the pipe so it can support the weight of the riprap. Staff contacted six contractors and two responded with a bid. Dondlinger & Sons Construction was the low bidder, with a bid of \$6,900.00 for the sanitary sewer and a bid of \$28,500 for the repairs to the Dry Creek bank. The City Manager approved proceeding with the two projects on May 20, 2004 and June 22, 2004, respectfully.

Capital Improvement Program, Reconstruction of Sanitary Sewers (CIP #S-4) has a budget of \$3,950,000 for 2004. The concrete encasement will be funded from Sewer Utility Revenues and Reserves and/or a future revenue bond issue. Expenditures for the repair of the creek bank will come from funds that have been allocated for the Storm Water Utility 2004 Hot Spot projects (\$725,000).

City Ordinance 2.64.020, "Public Exigency", allows the City Manager to authorize work to be performed by a contractor without formal bidding.

Motion--
--carried

Mayans moved that the City Manager's Public Exigency approval of the project be affirmed. Motion carried 7 to 0.

RECYCLE LEASE

LEASE OF 2113 SOUTH MEAD TO PLASTICS RECYCLING, INC. (DISTRICT III)

Agenda Report No. 04-0711

In 2003, the City acquired the Kice Industries complex at Mead and Clark for the Pawnee Rail Grade Separation project. Kice vacated the property in May 2004. The improvements will need to be demolished for the project. Plastics Recycling of Kansas has requested the use of one of the buildings for their recycling operation until the facility is required for the project. This building has 22,797 square feet. There are two other major structures with 49,450 and 41,524 square feet that are available if other uses arise.

The lease allows for occupancy through December 2004 with month-to-month occupancy thereafter. The tenant will pay no rent, but is responsible for all operating expenses associated with the building including utilities, maintenance, liability insurance and taxes if any. The tenant has agreed to remove any materials associated with their operation at the termination of the lease and will provide a financial

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guarantee for this cleanup. Having a tenant in one of the buildings will help provide security for the entire complex.

The City will be relieved of maintenance and operating expenses.

Motion--
--carried

Mayans moved that the lease be approved and the necessary signatures authorized. Motion carried 7 to 0.

1st & 2nd ST OUTFALL FIRST AND SECOND STREET WEST OUTFALL. (DISTRICT VI)

Agenda Report No. 04-0712

In September 2002, Mid-Kansas Engineering Consultants prepared a drainage master plan for the area bounded by Kellogg (on the south), the Big Ditch (on the west), Zoo Boulevard and Central (on the north), and the Arkansas River (on the east). The master plan recommended the construction of several different drainage outfalls, including one in the 1st and 2nd Street West corridor between West Street and Athenian, with the outlet being near Athenian and the Arkansas River. This project was previously authorized for \$750,000 for design and right-of-way acquisition. On August 20, 2002, the City Council entered into a contract with Baughman Company for \$240,000 to design the project. In November 2002, the City Council authorized the right-of-way acquisition for this project for \$250,000. The 2004 to 2013 CIP (SW862001) included \$5,585,000 in 2004 and \$3,415,000 in 2005 for construction.

Design and right-of-way acquisition are complete and the project is ready to bid. However, the right-of-way acquisition included one condemnation for which the Court ordered a settlement of \$210,000. This cost along with the other right-of-way acquisition costs totaled \$250,000, which was the authorized right-of-way budget, but didn't include demolition and relocation costs for the homeowner. Total right-of-way costs are now estimated to be \$320,000. The balance of the original \$750,000 (\$260,000) will be used to offset the additional right-of-way costs. The Council action now requested is to approve the additional right-of-way expenditure and authorize the construction, which can be done for the amount included in the 2004-2005 CIP.

Funds to construct this project, estimated to cost \$7,500,000 are included in the 2004-2005 Capital Improvement Program (Project No. SW 860401). When complete, the expenses will be bonded and the bonds will be paid through Storm Water Utility fees.

Motion--
--carried

Mayans moved that the expenditure be approved; the Resolution adopted and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-354

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for public improvements for the First and Second Street West Outfall (SW860401), presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

HOMELESS GRANT GRANT APPLICATION-HOMELESS ASSISTANCE PROGRAMS.

Agenda Report No. 04-0713

On May 14, 2004, the Department of Housing and Urban Development (HUD) issued a Notice of Funding Availability (NOFA) for the 2004 Continuum of Care Homeless Assistance Programs. The NOFA makes funds available for a variety of homeless programs including Permanent Supportive Housing, Transitional Housing, Shelter Plus Care, and the Homeless Management Information System used to track the progress of homeless individuals moving through the Continuum of Care.

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The Community Council on Homeless Advocacy (CCHA) has been working with the United Way of the Plains to prepare and submit an application for the Wichita-Sedgwick County area for the following projects:

Permanent Supportive Housing. Inter-Faith Ministries of Wichita, Inc. is seeking funding to continue the supportive services portion of the 1999 "Permanent Housing For Persons With Disabilities" project at the Interfaith Villa Central. These funds will allow Interfaith to continue to provide case management, on-call services and life skills assistance to help eight chronically mentally ill homeless disabled persons become self-sustaining in permanent housing in a community setting.

Shelter Plus Care. The City of Wichita Housing Authority has prepared an application for a one-year renewal of the Shelter Plus Care (S+C) program to fund 102 housing units. This program is designed to provide housing and supportive services for homeless persons with disabilities (primarily those with serious mental illness, chronic problems with alcohol and/or drugs, or HIV/AIDS related diseases) and their families, who are living in places not intended for human habitation (e.g., streets) or in emergency shelters. It is a tenant rental assistance program that provides a range of supportive services funded by other local sources in response to the needs of the hard-to-reach homeless population with disabilities. Shelter Plus Care funding must be matched by an equal amount in supportive services.

Homeless Management Information System (HMIS). The HMIS database system has been designed to improve homeless client services through better information collection, enhancing service program management, and providing accurate data to support advocacy and policy-making activities. By collecting uniform client information, the clients, service providers, funders and policy makers will have a more accurate picture of homeless needs as well as existing community assets. The goal is for each site that serves the homeless to have equipment and software to record their client services. Eight sites were placed on the system as a result of the 2001 HMIS funding. This application will provide hardware for the expansion of additional sites, software upgrades and support, and for local technical support and training.

Transitional Housing. The program will increase capacity of COMCARE of Sedgwick County's existing dual diagnosis transitional housing program by providing four additional housing units and adding a half-time case management position. The program helps participants build a positive housing and credit history while working to stabilize the symptom (s) of their mental illness and abstain from drug use. The increased capacity will fill a need within the Continuum of Care system by assisting homeless individuals who have a serious mental illness and a substance abuse problem, move toward self-sufficiency.

The United Way has been working with the CCHA in the implementation of the community process to prioritize the projects, which will be included in the application. A committee of community volunteers has met regularly for the past year, and on July 14 is scheduled to rank the four proposals in priority funding order. The application will be submitted to HUD by the United Way of the Plains on behalf of all of the sponsoring agencies by the due date of July 27, 2004. Funding for the projects will come directly from HUD, with grant agreements to be executed between HUD and the project sponsors. With the exception of the Shelter Plus Care application, which is sponsored by the Wichita Housing Authority, HUD will have all fiscal responsibility for implementation and oversight of all other projects.

Funding being requested for the 2004 Continuum of Care projects are as follows:

<u>Project Name</u>	<u>Amount</u>	<u>Agency</u>
Permanent Supportive Housing (renewal)	\$129,500	Inter-Faith Ministries
Shelter Plus Care (renewal)	\$632,100	Wichita Housing Authority
Homeless Information Management System (renewal)	\$266,322	United Way of the Plains
Transitional Housing (new)	\$123,885	COMCARE of Sedgwick County

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The Department of Housing and Urban Development has announced a preliminary “pro-rata” need for the City of Wichita and Sedgwick County in the amount of \$1,122,700. All matching funds required by the projects included in this grant would be provided by the sponsoring agencies, or in the case of Shelter Plus Care, by the partnership agencies. Support by the Council for the application obligates no City of Wichita funding.

Motion--

Mayans moved that 1) the submission of Shelter Plus Care Grant application be approved and the Mayor authorized to sign the requisite application and subsequent contract award documents; to provide a letter of support for the Continuum of Care Application and 3) authorize signatures for the Consistency with the Consolidated Plan (Form HUD 2991) for all projects. Motion carried 7 to 0.

--carried

(Agenda Item No. 52A)

GOLF COURSES

RATE STRUCTURE FOR GOLF COURSES.

Doug Kupper

Director of Parks and Recreation reviewed the Item.

Agenda Report No. 04-0737

The City currently operates five municipal courses. The rate structure at these courses is built around base weekday and weekend green fees and a season ticket plan for area residents. Currently, the weekday green fee rate at four of the City-owned courses (Tex Consolver, L.W. Clapp, McDonald and Sim) is \$17 on weekdays and \$18 on weekends. Green fees at Auburn Hills are \$21 on weekdays and \$26 on weekends.

The Golf system also offers season tickets to provide an opportunity for golfers who play consistently at City of Wichita golf courses. These passes significantly reduce the average revenue per round; however, they also provide a more stable source of revenue for the system. Current policy provides for seven different types of season tickets: Single 5-day Tickets; Single 7-day Tickets; Family five-day Tickets; Family seven-day Tickets; Senior Tickets; Student Tickets; and School Team Tickets. Golfers are required to pay an annual fee to obtain a season ticket. The current season ticket rates are: Single five-day, \$565; Single seven-day, \$725; Family five-day, \$700; Family seven-day, \$885; Senior, \$75; Student, \$125; and School Team, \$100 per Team Member. The purchase of a ticket allows holders to pay only a minimal surcharge when they play any of the five municipal courses.

Recent feedback from the public has indicated the need for some changes to encourage play at all facilities. The golf market in Wichita and nationwide is currently very competitive. Staff has considered a number of alternatives to stimulate play and expand the local golf market. These options include:

- Offering discounts in the rates at Auburn Hills to reduce the base green fee back to the 2001 level of \$20 on weekdays and \$25 on weekends.
- Reducing the surcharge at Auburn Hills for season ticket holders to \$4 on weekdays and \$5 on weekends.
- Eliminating Friday as a weekend day at Auburn Hills.
- Extending advanced tee time reservation privileges for season ticket holders.
- Allowing fivesomes at Auburn Hills on weekdays.
- Expanding nine-hole opportunities to early morning hours.
- Offering discounts for rounds played during non-peak times (for example, times of very hot weather).

Essentially, these options would allow staff flexibility to modify pricing structures, to respond rapidly to promotional and marketing opportunities, and to improve customer service.

These changes are intended to stimulate participation at all City courses. By increasing the incentives to purchase season tickets and making golf more affordable to our patrons, it is expected that more golf rounds will be played. Overall, staff believes that these changes will increase revenues by increasing the amount of play.

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- Mayor Mayans Mayor Mayans asked whether a study has been conducted to see whether lowering the fees would attract more players and asked what other credible evidence is there that lowering the fees would entice others to play.
- Doug Kupper Doug Kupper explained that by creating the opportunity to have more of the membership holders playing Auburn Hill Golf Course, the word would get out that it is a quality golf course. They will see that they are listening to them from a customer service point of view and raise the rounds of golf. Stated that there are now nearly 1,000 new homes surrounding the Auburn Hill Golf Course that they feel that if Auburn Hills is brought into the same compliance as it relates to membership rounds, they may actually sell more memberships to some of the households in that area. Stated that they are also going on the fact that 40% of the income is off of other things other than green fees and they think if they can spark some additional play they will be able to generate more income on the other side of their business as well. Stated that the economy is coming back around and that their rounds of golf will start to come back.
- Mayor Mayans Mayor Mayans stated that the number of new families in the area was mentioned and stated that if he were shown a plan where his department would send those families with their water bills a coupon with a \$2.00 or \$3.00 discount on the green fees and keep the rates as they, would make more sense to him.
- Doug Kupper Doug Kupper stated that they are already exploring the possibilities of using a coupon.
- Council Member Gray Council Member Gray stated that he agrees with the Mayor and has a lot of concern with arbitrarily cutting the rates, especially at just one course. Stated that it is difficult to get a tee time at Auburn Hills and that they are not as accommodating as some of the other golf courses. Stated that the marketing needs to be worked on and that they are competing with several golf courses and lowering the fees is not necessarily a way to do this.
- Doug Kupper Doug Kupper stated that he is working with the Marketing Director, Jessica Johnson and they are now advertising in every golf magazine that this state has and are going to go with some national advertisements. Stated that this is a risk but feels that it is a risk worth taking to see if they can generate more play on that golf course.
- Council Member Martz Council Member Martz stated that he is in favor of trying to do better marketing on the golf courses. Stated that the 13,000 rounds that were down are not at Auburn Hill but at all five of the courses and many times there is an emphasis being placed on the fact that Auburn Hills is the culprit and it is not. Stated that he does not feel that a one-dollar reduction is going to add 1200 rounds at Auburn Hills to make up the lost revenue that they would experience from lower expenses. Stated that he is in favor of leaving the \$21.00 - \$26.00 fees at Auburn Hills as it is. Suggested to expand the nine holes in early morning, allowing fivesomes at Auburn Hills and does not have a problem with reducing the season ticket holders and the discount for rounds at peak times.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion-- Martz moved to approve the Golf Revenue Policy changes, with the Council setting the maximum price per round and authorizing staff the flexibility to offer course marketing to stimulate play and improve customer service and to leave the green fees as they are. In addition, staff will provide a quarterly report of rounds played, revenue received and a summary of the promotional offers provided to Wichita golfers. Motion carried 7 to 0.
- carried

PROPERTY ACQ.

ACQUISITION OF 201 NORTH HILLSIDE: HILLSIDE, KELLOGG TO CENTRAL. (DISTRICT II)

Agenda Report No. 04-0714

The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001. One of the tracts to be acquired is 201 North Hillside. The site contains 6,728 square feet and is improved with a 1,246 square foot retail building currently occupied by a florist. The project requires the east 12 feet of the property. The exiting drive

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off Hillside will be made unusable by the take. The take also eliminates most of the parking for the site and drops the number of parking spaces well below what is required by the zoning code.

The acquisition was appraised at \$80,000. The owner countered at \$125,000, which is what he paid for the property in 1981. The property was appraised in 1992 for \$100,000. He had received a valid offer for the property of \$115,000 in 2001 but the offer was withdrawn when the purchaser learned of the pending road project. The owner has agreed to accept \$115,000, which equates to the prior offer.

Considerations: Funds have been budgeted in the 2004 Capital Improvement Program for project acquisitions. The funding source is General Obligation Bonds. A budget of \$170,000 is requested. This represents \$115,000 for acquisition, \$5,000 for closing costs, surveys, title insurance and other miscellaneous costs, \$10,000 for demolition and \$40,000 for relocation.

Motion--
--carried

Mayans moved that the Budget be approved; the Real Estate Purchase Contracts approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF A PORTION OF 7411 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT (DISTRICT II)

Agenda Report No. 04-0715

In December 2001, the acquisitions required for the East Kellogg/Rock Road Improvement Project were released for active acquisition. A portion of the property at 7411 East Kellogg is one of the required tracts. The property is improved with a full service automobile dealership. The proposed improvements to Kellogg require 9,317 square feet of the site. The portion required is currently used for vehicle display, landscaping and lighting. The take will require relocation of the lighting and redesign of the display area.

The required parcel contains 9,317 square feet. It is improved with paving, landscaping, fencing and site lighting. The acquisition was appraised at \$178,700 based on a land value of \$16.00 per square foot and costs to cure of \$28,700. The owner countered at \$243,700 based on a land value of \$22.00 per square foot and a cost to cure of \$38,700. His cost to cure was based on contractor bids. The owner has agreed to accept \$225,000. This equates to a land value of \$20.00 per square foot plus the actual cost to cure.

The Capital Improvement Program includes funds for acquisitions. The funding source will be local sales tax revenues. A budget of \$230,000 is requested. This includes \$225,000 for the acquisition and \$5,000 for closing costs, surveys and title insurance.

Motion--
--carried

Mayans moved that the Budget be approved; the Real Estate Purchase Contracts approved and the necessary signatures authorized. Motion carried 7 to 0.

2004 CIP'S

AMENDING RESOLUTIONS – 2004 CAPITAL IMPROVEMENT PROGRAMS.

Agenda Report No. 04-0716

Many of the City's Capital Improvement Program projects are bonded under the authority of Kansas Statute 13-1024c. The resolutions associated with such projects are routinely reviewed by the State Attorney General's Office. To remain in compliance, the staff must periodically update the City's resolution to provide more clarity about the projects and the site location or improvements. The resolution for the 2004 Capital Improvement Project for Park Lighting, Athletic Courts, Entry Drives and Paths has been updated to accurately reflect the project improvements or renovations and site location.

Amending resolution has been prepared to update the site improvements.

There is no impact on the project budget

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Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-358

A Resolution amending Resolution No. 03-654 of the City of Wichita, Kansas, finding it necessary to make certain improvements including the labor, material, and equipment for improvements or renovations to Sunset Park tennis court, Lincoln Park tennis courts, Linwood Park Tennis Court and Basketball Courts, Boston pool lighting, Country Acres pool lighting, Edgemoor pool lighting, Evergreen pool lighting, Harvest pool lighting, Linwood pool lighting, McAdams pool lighting, Orchard pool lighting, Sunset parking lot, Veteran's Park parking lot, Oak Park circle drive, Orchard parking lot and Edgemoor parking lot, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

PLANNING AGENDA

Motion--
--carried

Mayans moved that the Planning Agenda, except Items 55, 56 and 58, be approved as consensus Items. Motion carried 7 to 0.

(Agenda Item No. 55)
ZON2004-20

ZON2004-20-ZONE CHANGE FROM TWO-FAMILY RESIDENTIAL TO GENERAL OFFICE. GENERALLY LOCATED ONE BLOCK EAST OF THE DOUGLAS AVENUE-WEST STREET INTERSECTION, MORE SPECIFICALLY 300-FEET NORTHEAST OF THE DOUGLAS AVENUE-MCCOMAS AVENUE INTERSECTION. (DISTRICT VI)

John Schlegel

Planning Director reviewed the Item.

Agenda Report No. 04-0717

MAPC Recommendations: Approve, subject to staff recommendation. (12-1)

MAPD Staff Recommendations: Approve.

DAB Recommendations: DAB VI, approve, subject to staff recommendation. (6-1)

The applicant's 1.23-acre (396-foot (x) 135-foot) unplatted tract is divided by two zoning classifications. The south portion of the applicant's tract is zoned "LC" Limited Commercial. The north 120-foot (x) 135-foot of the applicant's tract is zoned TF-3" Two-family Residential. The applicant is requesting consideration for a zoning change from "TF-3" to "LC" on this north portion of the tract. The applicant's "LC" portion of the tract is mostly paved commercial parking built around an on site auto repair business (currently not operating) and a residential structure, which is used as residential rental property. The parking area serves the on site business and residential rental, plus a beautician school located east of the site, across McComas Avenue. Approximately 30-foot (x) 135-foot of the paved parking area lies in the "TF-3" zoned portion of the tract. This section of the existing parking area in the "TF-3" zoning is what has triggered the zoning change request. The zoning change request covers all of the "TF-3" zoned section of the applicant's tract, which is undeveloped except for the nonconforming parking area that was extended onto it from the "LC" portion of the applicant's tract. The applicant is not proposing to build anymore parking or any other development on the site at this time. A parking area, commercial, is a permitted use in "GO" General Office, "NR" Neighborhood Retail, "LC" Limited Commercial, "GC" General Commercial, "CBD" Central Business District, "LI" Limited Industrial or "GI" General Industrial zoning district.

The adjacent properties to the east and north of the site are zoned "TF-3" and are developed primarily as single family residential or as duplexes – two family residential. Most of these residential structures in the adjacent residential areas were built from the 1920s to 1930, with the few remaining residences built in the late 1960s to the mid 1970s. The properties to the west, across McComas Avenue, are zoned "B" Multi-family Residential and "LC". The property zoned "B" is developed as apartments and was built in the early 1970s. The "LC" zoned property has a commercial strip center on it (built in the

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early 1950s) and currently contains the beautician school which is using the applicant's existing parking areas in both the "LC" and "TF-3" zoned sections. Any future development of the portion of the applicant's re-zoned tract would require platting of the whole tract and would trigger landscaping, screening and any other applicable development standards, permits and inspections.

The applicant had requested "LC" Limited Commercial zoning. Staff noted that the site was not in complete compliance with "Commercial" locational criteria; there was access onto Douglas, an arterial, but there was also access onto McComas, a residential street. The requested "LC" zoning for the commercial parking could also possibly bring other uses permitted in "LC" not recommended by the Comprehensive Plan for this area, which is recommended for low density residential. Staff recommended, "GO" General Office zoning, rather than the requested "LC" zoning. The "GO" zoning would bring the nonconforming 30-foot (x) 135-foot section of the existing parking area into compliance with the UZC. The "GO" zoning district would provide a transitional zoning between the applicant's existing predominate "LC" zoning (Douglas frontage and north along McComas, until the "TF-3" zoning begins) and the abutting residential zoning and development, as recommended by the "Office" Locational Guideline of the Comprehensive Plan. Because the subject site is in a revitalization area, the applicant has requested flexibility in regards to the zone change request triggering the platting requirement. Any future development, including paving for parking, on the recommended "GO" zoning would trigger the platting of the whole unplatted tract and require landscaping, screening, lighting, access control and any other applicable development standards, permits and inspections for future development on the "GO" section of the site.

DAB VI considered this case at their May 19, 2004 meeting and recommended approval (6-1) of the zoning change. One person spoke in opposition to the requested zoning change at the meeting. The MAPC considered this case at their May 20, 2004 meeting and recommended approval (12-1) of the zoning change. One person spoke in opposition to the requested zoning change at the meeting. Staff has received written protest against the requested zoning change that represent 41.14% of the land area. When over 20% of the area or owners protest a zoning change, the zone change cannot be approved except by at least a ¾ vote of all members of the governing body. In Wichita this calculation is based on a distance of a 200-foot radius from the outer boundaries of the application area, based on the size of the subject property.

Council Member Fearey Council Member Fearey stated that she received copies of letters that have gone back and forth from the applicant and the homeowner and that the homeowner is the person who carried the petition.

Motion-- Fearey moved to return the application back to the MAPC for reconsideration and the DAB IV in order to give time for the applicant and the neighborhood to come to some kind of resolution on this issue.
--carried Motion carried 7 to 0.

(Agenda Item No. 56)
ZON2004-29

ZON2004-00029-ZONE CHANGE FROM LIMITED COMMERCIAL TO OFFICE WAREHOUSE WITH A PROTECTIVE OVERLAY. GENERALLY LOCATED SOUTH OF 33RD STREET NORTH AND WEST OF AMIDON. (DISTRICT VI)

John Schlegel

Planning Director reviewed the Item.

Agenda Report No. 04-0718

MAPC Recommendations: Approve, subject to Lot Spit and Protective Overlay #143. (11-0)

MAPD Staff Recommendations: Approve, subject Re-Platting and Protective Overlay #143.

DAB VI Recommendations: Approve, including no extra parking in the back of building and no overnight parking with vehicles making product deliveries based on protective overlay. (8-0)

The applicant requests a zone change from "LC" Limited Commercial to "OW" Office Warehouse on a 0.963-acre platted tract located south of 33rd Street North and west of Amidon. The applicant also requests a Protective Overlay to limit use and site development requirements to those of the "LC" district except for adding wholesaling as a permitted use.

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A retail/wholesale operation is currently in operation on the property although a wholesale use is not in conformance with "LC" zoning. The owner sells products at retail and also sells the products to other retailers at wholesale. The owner states that he uses only vans or box vans and no semi-tractor trailer trucks to deliver the wholesale products to other retailers, although he likely receives the shipments of the goods from semi-tractor trailer trucks. This differs from strictly retail use only in the magnitude of semi-trucks expected to deliver products to the site. In a strictly retail business, the number of deliveries received would be less because it is the final retail site, whereas in a wholesale business, outside shipments are received and then delivered to other sites.

Currently the site has a number of portable storage containers and trailers storing products for distribution. If the rezoning is approved, the owner has stated he will be constructing a larger building to house the merchandise and would eliminate the outdoor storage presently onsite.

The property to the north is zoned "LC" and "GO" General Office. A dental office is located on property zoned "GO" General Office and the "LC" property is vacant. The abutting property to the west is zoned "LC" but is occupied by a single-family residence. The abutting lot to the south is an office or perhaps a retail use and is zoned "LC". Two churches are located south of this commercial use on property zoned "SF-5" Single-family Residential. The remaining property to the southwest and all the property east of Amidon also is zoned "SF-5" and is in single-family residential use.

At the District VI Advisory Board meeting held June 7, 2004, the board voted (8-0) to recommend approval subject to the recommended protective overlay with the additional conditions of prohibiting overnight parking of delivery vehicles, no extra parking in the back, and prohibiting any use that would be considered a vehicle storage yard. Other concerns discussed by DAB members included what to do if the property is not being operated in compliance with the protective overlay.

At the MAPC meeting held June 10, 2004, a representative of the Baha'i Faith was present and raised concerns about adequate screening and proper compliance of the property to zoning standards. The applicant's agent, Greg Ferris, asked to substitute a lot split for the proposed replat. Mr. Ferris indicated that they would prefer to replat the entire property when the development of the remainder of the tract is undertaken. Staff stated that a lot split would be adequate for this phase, but that a replat would be appropriate for any additional development of the remainder of the tract. The MAPC voted (11-0) to recommend approval subject to the lot split and the recommended conditions of the Protective Overlay #143, including the additional conditions from the District VI Advisory Board, as follows:

1. The following uses shall be permitted:
 - a. Animal care, limited; automated teller machine; bank or financial institution; broadcast/recording studio; college or university; community assembly; construction sales and service (need not comply with Art. III, Sec. III-D.6.bb of the Unified Zoning Code); day care, limited and general; government service; library; park and recreation; office general; personal care service; personal improvement service; post office substation; printing and copying, limited; recycling collection station, private and public; retail, general; reverse vending machine; safety service; utility, minor; vocational school; wireless communication facility; and similar uses that may be established by the Unified Zoning Code allowed by right in both the "LC" Limited Commercial and the "OW" Office Warehouse districts.
 - b. Wholesale or business service for the expressed use of the property owner. No warehousing of goods by outside companies shall be permitted.
 - c. The following uses shall be permitted only if granted approval as a Conditional Use subject to Art. V, Sec. V-D of the Unified Zoning Code: animal care, general; monument sales; nurseries and garden centers; warehouse, self-service storage; and manufacturing, limited.
2. Outdoor storage and display shall be in conformance to current "LC" zoning standards, except that no portable storage containers or storage of goods in trailers, shall be permitted.
3. All site development regulations, including but not limited to landscaping, signage, screening and setbacks shall be the same as the current "LC" zoning standards.
4. All delivery vehicles shall be parked west of the existing building and south of the proposed building to prevent vehicles from view from Amidon as well as the office and residential uses to the east and northeast.
5. Development shall be in general conformance to the site plan and building elevation submitted by the property owner as a part of the application.

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6. The property shall be Lot Split within one year from approval of the zone change.
7. Overnight parking of delivery vehicles shall be prohibited. No extra parking in the back of the building shall be allowed and vehicle storage yard shall be a prohibited use.

John Schlegel John Schlegel stated that since the MAPC meeting an additional issue has been raised regarding providing for a paved surface on which the delivery vehicles that this business would use could make turning movements and the applicant has agreed that they would comply with that condition if it were to be added.

Council Member Fearey Council Member Fearey stated that as it has been stated there was an eighth Item added and the applicant and the applicant's representative have reviewed it and are in agreement with it.

Motion-- Fearey moved to adopt the findings of the MAPC and approve the zone change subject to the protective overlay conditions with the addition of a number 8 reading, the area used by delivery vehicles for circulation and turn around movements shall be paved with concrete, asphalt, asphaltic concrete or other comparable surfacing not including gravel, rock or recycled asphalt

--carried and approve first reading of the Ordinance establishing the zone change. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 2004-29

HISTORIC PRES.

APPEAL OF HISTORIC PRESERVATION BOARD ACTION REGARDING DEMOLITION OF 1315 SOUTH EMPORIA - HPC2004-00076. (DISTRICT I)

John Schlegel Planning Director reviewed the Item.

Agenda Report No. 04-0719

At the June 14, 2004, Historic Preservation Board meeting, the applicant requested approval for demolition of a residential structure located at 1315 S. Emporia so that he may sell the land to Immanuel Baptist Church for expansion of their surface parking area. This property is within 500 feet of Engine House No. 6, which is significant for its architecture and the service that it provided to the residential neighborhood. By a 5-0 vote, the HPB denied the demolition because it further erodes the historic context of Engine House No. 6, and does encroach, damage or destroy the environs of Engine House No. 6. The applicant is appealing the decision of the HPB.

In May 2000, Immanuel Baptist Church requested approval for demolition of nine houses in the 1300 block south of Topeka to provide required parking for the sanctuary expansion. There was neighborhood opposition for the demolition of the structures. In April 2002, Immanuel Baptist Church came back to the board with a request to demolish 1337 and 1343 S. Emporia to provide vehicular access to S. Emporia. In May 2004, the City Council approved the demolition of the property at 1333 S. Emporia, which is immediately adjacent to 1337 S. Emporia. Immanuel Baptist Church has indicated that it is not purchasing any more houses in the area as their current parking needs are met. The property the applicant is requesting to demolish is located outside the area originally requested for parking by the church. This lot is not adjacent to the three properties approved for demolition for access to S. Emporia from the parking lot.

The HPB has a programmatic agreement with the State Historic Preservation Office to review applications for all properties individually listed or listed in historic districts in the state/national register of historic places. The Council has review authority over the decision of the Historic Preservation Board, as provided for in K.S. A. 75- 2724 and the City Code Section 2.12.1023(c), and (f). In order for the City Council to overturn the decision of the HPB, all relevant factors must be considered and must find there is no "feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use."

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Dave McGuire Mr. McGuire resides at 1315 South Emporia and stated that this house was built in the 1890's and has been in his family his whole life. Stated that he moved into the house in 1996 and has already spent over \$30,000.00 trying to get it in a livable condition. Stated that the foundation is falling apart and the stairway is so narrow that you cannot take anything upstairs so that area is not being used, the chimney needs to be rebuilt and that he has a \$40,000.00 loan on the house and has been told that that is about what the house is worth and cannot borrow more money to fix it up. Stated that this is his one chance to get out of this house. Stated that financially it is the best chance that he has to get out from under the house and that Emanuel Baptist Church has made him an offer to buy the house to demolition it and use the property for a parking lot.

Council Member Lambke Council Member Lambke stated that this is case where some government rules and regulations deprive the people the use of their property. Stated that it is far better to let the owner determine the fate of their property and not the Historic Preservation Board.

Council Member Fearey Council Member Fearey stated that the purpose of the Historic Preservation Board is to protect old buildings and that they feel that it would damage the environs of the old engine house if they demolition the house. Then an appeal, which has been done, can be brought to the City Council to determine whether there is a feasible and prudent alternative to the proposal. Does not feel that anybody is taking the property rights away and as a government the federal government has told the City Council that they have to protect and work to protect historic properties because the Council is the appeal process. Stated that she would like to see what the church's plans are because she feels she is seeing a whole neighborhood going away and being turned into surface parking, which concerns her.

Dave McGuire Dave McGuire stated that Emanuel Baptist Church will not buy his property if the house is not torn down.

Council Member Martz Council Member Martz stated that if Mr. McGuire wants to tear his house down, then let him tear it down and that he has no borrowing power against it and that he is in favor of allowing him to demolish his house if he desires to.

Motion-- Brewer moved to approve the demolition of the property located at 1315 South Emporia and to include the following findings: that all relevant factors have been considered and that no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use. Motion carried 6 to 1, (Fearey no).
--carried

(Agenda Item No. 58)
HISTORIC PRES.

APPEAL OF HISTORIC PRESERVATION BOARD ACTION REGARDING DEMOLITION OF 640 NORTH MAIN - HPC2004-00087. (DISTRICT VI)

John Schlegel Planning Director reviewed the Item.

Agenda Report No. 04-0720

At the June 14, 2004, Historic Preservation Board meeting, the applicant requested approval for demolition of a commercial building located at 640 N. Main. A representative of Eby Construction, owners of the property, indicated the owners wanted to demolish the building because of the cost associated with keeping water out of the structure and keeping the windows secured from vandalism. They plan to extend their surface parking area once the building is removed. The company currently has the number of on-site parking spaces required by City Code.

This property is located within 500 feet of the Ark Valley Lodge, which is listed in the Wichita Register of Historic Places, the Register of Historic Kansas Places and the National Register of Historic Places. The building at 640 N. Main is eligible for listing in its own right. It was the home of the Teitzel-Jones-Dehner Boot Company, which achieved national prominence through being the contract supplier of boots to the US Military, West Point, and the National Park Service. First Lady Eleanor Roosevelt was a frequent customer of the company because of their excellent product.

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By a 5-0 vote, the HPB denied the demolition because it would further erode the historic context of the Ark Valley Lodge, destroy a building that is eligible for listing in the National Register in its own right, and would encroach, damage or destroy the environs of the Ark Valley Lodge. The applicant is appealing the decision of the HPB.

The HPB has a programmatic agreement with the State Historic Preservation Office to review applications for all properties individually listed or listed in historic districts in the state/national register of historic places. The Council has review authority over the decision of the Historic Preservation Board, as provided for in K.S. A. 75- 2724 and the City Code Section 2.12.1023(c), and (f). In order for the City Council to overturn the decision of the HPB, all relevant factors must be considered and must find there is no "feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use."

Motion--

Fearey moved to defer this Item for a month and asked Staff to meet with Eby Construction to see if they are aware that these tax credits are available and see if they have tried to market the property and to bring back a report to the Council. Motion carried 6 to 0, (Brewer absent).

--carried

ZON2004-00025

ZON2004-00025-ZONE CHANGE FROM UNZONED RAILROAD RIGHT-OF-WAY TO GENERAL COMMERCIAL FOR A BILLBOARD. GENERALLY LOCATED NORTH OF ZOO BOULEVARD AND WEST OF WESTDALE. (DISTRICT VI)

Agenda Report No. 04-0721

MAPC Recommendations: Approve, subject to Protective Overlay District #141. (9-2)

DAB VI Recommendations: Approve, subject to Protective Overlay District #141. (8-0)

MAPD Staff Recommendations: Approve.

The applicant requests "GC" General Commercial zoning on 40,000 square feet of unzoned railroad right-of-way located north of Zoo Boulevard and west of Westdale. The applicant requests the zoning to bring an existing billboard into conformance with the City of Wichita Sign Code.

On March 26, 2003, the Office Central Inspection issued the letter indicating that no sign permit was required to construct a billboard on the subject property. On June 17, 2003, the applicant sent the letter asking for confirmation that no sign permit was required, and on that same date, the Office of Central Inspection issued the letter confirming that no sign permit was required for the proposed billboard. The applicant subsequently constructed a billboard on the subject property. On September 5, 2003, the Office of Central inspection issued the letter indicating that previous correspondence regarding no sign permit being required was in error.

The billboard that was constructed on the subject property does not conform to the requirements of the Sign Code. Section 24.04.222.1 of the Sign Code requires that there be a minimum of 500 linear feet of "GC"-zoned frontage between mile section lines in order to permit a billboard. Therefore, the applicant has requested 500 linear feet of "GC" zoning in order that the existing billboard on the subject property will conform to the requirements of the Sign Code. The site plan indicates the area proposed for rezoning and the location of the existing billboard.

At the DAB VI hearing on June 7, 2004, and the MAPC hearing on June 10, 2004, there was only one speaker regarding the request other than the applicant. The speaker was from the Kansas Department of Transportation (KDOT) and indicated that KDOT would not permit a sign on the subject property that was visible from I-235 but that the existing sign is not visible from I-235 and therefore is not regulated by KDOT. DAB VI (8-0) and the MAPC (9-2) voted to approve the request subject to the following provisions of Protective Overlay District #141:

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1. The subject property shall be limited to one off-site sign that has a single sign face that faces southeast. No other off-site signs or sign faces shall be permitted on the subject property.

Motion--

Mayans moved to adopt the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of Protective Overlay District #141; and to place the Ordinance establishing the zone change on first reading. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 2004-25

ZON2004-00027

ZON2004-00027-ZONE CHANGE FROM LIMITED COMMERCIAL TO GENERAL COMMERCIAL. GENERALLY LOCATED AT THE NORTHEAST CORNER OF 21ST STREET AND PIATT. (DISTRICT I)

Agenda Report No. 04-0722

MAPC Recommendations: Approve. (11-0)

MAPD Staff Recommendations: Approve.

The application area is located at the northeast corner of 21st Street and Piatt, and is currently zoned "LC" Limited Commercial. The site is developed with a commercial building that contains manufacturing equipment, a C N C milling machine, which was previously used in association with a vocational school. Use of that manufacturing equipment in the teaching environment was a legal activity in the "LC" district, per the Unified Zoning Code. The facility has converted from a teaching facility to a manufacturing establishment that is now making parts for government contracts. With that conversion from a teaching facility to a manufacturing entity, the land use is now classified as "manufacturing, general" which requires "GC" General Commercial zoning, instead of "LC" zoning.

Surrounding property is zoned a variety of districts: "MF-29" Multi-family Residential, "GO" General Office, "GC" General Commercial, and "LC" Limited Commercial. Surrounding uses include: two duplexes, manufacturing/training facility, vacant commercial and office buildings.

The Metropolitan Area Planning Commission reviewed this case on June 10, 2004, and recommended approval 11-0. No one spoke in opposition to the request.

Motion--

Mayans moved that Council concur with the findings of the MAPC and place the Ordinance approving the zone change on first reading. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 2004-27

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ZON2004-00028

ZON 2004-00028-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL. GENERALLY LOCATED APPROXIMATELY 100 FEET SOUTH OF WEST CENTRAL, EAST OF BAEHR, 640 NORTH BAEHR. (DISTRICT IV)

Agenda Report No. 04-0723

MAPC Recommendations: Approve, subject to conditions. (11-0)

MAPD Staff Recommendations: Approve.

The applicants are seeking "Limited Commercial" zoning on a platted lot located approximately 100 feet south of west Central, and east of Baehr. The lot is .16 acre in size. The applicants own the land located immediately to the north of the application area that is already zoned "LC." This northern tract has frontage along Central. The applicants seek to incorporate the application area with the "LC" land located to the north to create a larger commercial site that would accommodate a larger retail center. The combined site would be approximately 20,000 square feet. No specific users for the site have been identified, however 30 percent of the site developed with retail uses could generate 252 average daily trips. The seller of the land to the applicants is also the owner of the single-family lot located immediately south of the application area.

The properties located to the north and east are zoned "LC" Limited Commercial. The northern tract is vacant, while the eastern tract developed with a retail establishment. The southern boundary of the "LC" tract located to the east extends 50 feet further south than the applicant's property. To the west, the "GO" zoning stops at the northern boundary of the application area. Land to the south and west is zoned "SF-5" Single-family Residential, and is developed with residences.

The Metropolitan Area Planning Commission reviewed this case on June 10, 2004, and recommended approval, subject to three conditions: a.) Submission of a no protest petition for the paving of Baehr; b.) Submission of a recorded instrument that ties the application area with the applicant's property to the north so the application area cannot be sold separately from the applicant's property to the north and c.) Dedication by separate instrument of a cross-lot access easement between the application area and the applicant's property to the north. No one spoke in opposition to the request.

Motion--

Mayans moved that Council concur with the findings of the MAPC and approve the zone change, subject to the recommended conditions, and place the Ordinance on first reading. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 2004-28

CUP2004-18 DP-156
ZON2004-12

CUP2004-18 DP-156 AMENDMENT #3, ASSOCIATED WITH ZON2004-12-AMENDMENT OF DP-156 KILLARNEY WEST COMMERCIAL COMMUNITY UNIT PLAN AND A ZONE CHANGE TO LIMITED COMMERCIAL. LOCATED APPROXIMATELY ONE-QUARTER MILE SOUTH OF 37TH STREET NORTH AND EAST OF WOODLAWN. (DISTRICT I)

Agenda Report No. 04-0724

MAPC Recommendations: Approve, subject to conditions. (11-0)

DAB I Recommendations: Deferred on June 7, 2004. Will consider on July 12, 2004.

MAPD Staff Recommendations: Approve, subject to conditions.

The contract purchaser owns four acres of property that is zoned "LC" Limited Commercial and located immediately south of the area proposed for rezoning from "NR" Neighborhood Retail and "MF-29" Multi-Family to "LC" Limited Commercial. Since the area proposed for rezoning is 2.7 acres in size, the contract purchaser will have 6.7 acres of contiguous property zoned "LC" Limited Commercial and

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held under unified control; therefore, Section III-C.2.b. of the Unified Zoning Code requires that the area proposed for rezoning be included in a Community Unit Plan (CUP). Since the contract purchaser's four acres to the south of the area proposed for rezoning are Parcels 1, 3, and 4 of DP-156 Killarney West CUP, the application is to rezone 2.7 acres to "LC" Limited Commercial as well as to amend DP-156 to include the area for proposed for rezoning in DP-156 as Parcel 5.

Parcel 1 of the contract purchaser's property is developed with a car wash. Parcel 4 of the contract purchaser's property is developed with a retail center. Parcel 3 is proposed to be developed with a retail center, and Parcel 5 is proposed to be developed with a restaurant and two office buildings.

At its hearing on June 7, 2004, DAB I deferred making a recommendation on the request until the July 12, 2004, hearing in order to allow time for the applicant and staff to resolve differences regarding conditions of approval pertaining to street access and signage. Prior to the MAPC hearing, the applicant and staff agreed to conditions of approval pertaining to street access and signage, and at the MAPC hearing on June 10, 2004, the MAPC voted (11-0) to recommend approval of the request subject to the following conditions:

1. The following shall be added to General Provision #10: The permitted location of and movements permitted for access openings to Parcel No. 3 and Parcel No. 5 shall be determined by the City Traffic Engineer.
2. General Provision #5 shall be revised to remove the Parcel 3 and Parcel 5 descriptions and the following shall be added: Parcels 3 and 5: A total of three monument signs each no greater than 100 sq. ft. in size and 20 feet in height on Woodlawn. The three signs shall be spaced a minimum of 100 feet apart and shall share uniform design, materials, and colors.
3. Per the requirements of an administrative adjustment approved June 11, 2001, the following shall be added to the end of the first paragraph of General Provision #5: "All signs shall be spaced 150 feet apart regardless of ownership, except as noted for Parcels 3 and 5. Ground signs for each parcel shall be permitted as follows:"
4. The CUP shall be revised to reflect the dedication of additional right-of-way for Woodlawn from the Linder Addition per General Provision #18 as well as to reflect the correct right-of-way for Woodlawn from the Valentine Addition.
5. Prior to publishing the ordinance establishing the zone change and no later than 180 days after approval of the zone change and CUP amendment by the Governing Body, a document shall be recorded with the Register of Deeds indicating that the area to be rezoned includes special conditions for development on this property (referenced as DP-156 Killarney West Commercial CUP).
6. Four 24" x 36" and one 11" x 17" revised copies of the C.U.P. shall be submitted to the Metropolitan Area Planning Department prior to publishing the ordinance establishing the zone change and no later than 180 days after approval of the zone change and CUP amendment by the Governing Body.
7. The Metropolitan Area Planning Department may declare the zone change and CUP amendment null and void for failure to meet any of the foregoing conditions of approval.

Motion--

Mayans moved that the findings of the MAPC be adopted; the CUP amendment and zone change be approved; and the ZON2004-12 Ordinance be placed on first reading with publication being withheld until the documents are recorded with the Register of Deeds. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 2004-12

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SUB 2003-148

SUB 2003-148 - PLAT OF ELK RIDGE ADDITION, LOCATED ON THE NORTHWEST CORNER OF 183RD STREET WEST AND MAPLE.

Agenda Report No. 04-0725

MAPC Recommendation: Approve the plat. (13-0)

This unplatted site, consisting of 77 lots on 76.05 acres, is located in the County, within three miles of Wichita's city limits. A County zone change (ZON 2004-26) from RR, Rural Residential District to SF-20, Single-family Residential District has been approved.

Sewer and water improvements will be handled by Goddard; paving and drainage improvements will be handled by the County. Petitions and Certificate of Petitions have been provided.

A Drive Approach Closure Certificate was submitted to guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. In order to allow the creation of a homeowner's association to provide for the ownership and maintenance of the reserves, a Restrictive Covenant has been submitted.

The plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Restrictive Covenant and Drive Approach Closure Certificate will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved and the necessary signatures authorized.
Motion carried 7 to 0.

SUB 2004-19

SUB 2004-19 - PLAT OF BUFF CAR WASH ADDITION, LOCATED ON THE SOUTH SIDE OF 21ST STREET NORTH AND WEST OF BROADWAY. (DISTRICT VI)

Agenda Report No. 04-0726

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This site, consisting of one lot on .93 acres, is a replat of a portion of the Brooks and Oldham Addition. The south portion of the site has been approved for a zone change (ZON 2003-47) from TF-3, Two-Family Residential District to LC, Limited Commercial District. The site has also been approved for a Conditional Use (CON 2003-37) for a car wash. This site is located within Wichita's city limits. Municipal services are available to serve the site.

A Petition 100 percent, and a Certificate of Petition for paving improvements was submitted in accordance with the Conditional Use approval. A Drive Approach Closure Certificate was submitted to guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.

The plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

The Certificate of Petition and Drive Approach Closure Certificate will be recorded with the Register of Deeds.

Motion--

--carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized; the Resolution be adopted; and the ZON2003-47 Ordinance placed on first reading, with publication being withheld until the Plat is recorded with the Register of Deeds. Motion carried
7 to 0.

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RESOLUTION NO. 04-355

Resolution of findings of advisability and Resolution authorizing constructing pavement over the alley as platted in Buff Car Wash Addition (south side of 21st Street, west of Broadway) 472-84068, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 200 3-47

SUB 2004-37

SUB 2004-37 - PLAT OF SAVANNA AT CASTLE ROCK RANCH TENTH ADDITION, LOCATED WEST OF 143RD STREET EAST AND NORTH OF 13TH STREET NORTH.

Agenda Report No. 04-0727

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of 15 lots on 16.4 acres, is a replat of a portion of Savanna at Castle Rock Ranch Sixth Addition and unplatted property to the west. This site is located in the County within three miles of Wichita's city limits and is zoned SF-20, Single-family Residential District.

Paving and drainage improvements will be handled by the County. Petitions, 100 percent, and a Certificate of Petitions have been submitted. Other Petitions, 100 percent, were submitted for city water and sewer improvements. An Outside-the-City Water Agreement with the City was provided.

A Restrictive Covenant that provides four off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street has been submitted. Since this site proposes platting narrow street right-of-way adjacent to 15-foot street drainage and utility easements, the Restrictive Covenant outlines restrictions for lot-owner use of these easements. Also in the Covenant, provisions are made to allow the creation of a lot owner's association to provide ownership and maintenance of the proposed reserves and the reserves being platted for drainage purposes.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions, Outside-the-City Water Agreement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-356

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System 448-89985 (west of 143rd Street East, north of 13th Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 04-357

Resolution of findings of advisability and Resolution authorizing construction of Lateral 371, Four Mile Creek Sewer (west of 143rd Street East, north of 13th Street) 468-83845, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

DED 2004-12

DED 2004-12 – DEDICATION OF A UTILITY EASEMENT FOR PROPERTY LOCATED WEST OF HILLSIDE AND NORTH OF 31ST STREET SOUTH. (DISTRICT III)

Agenda Report No. 04-0728

Staff Recommendation: Accept the Dedication.

MAPC Recommendation: Accept the Dedication. (12-0)

As a requirement of Lot Split Case No. SUB 2004-48, this Dedication is being submitted for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

DED 2004-13

DED 2004-13 – CONTINGENT DEDICATION OF A SIDEWALK AND UTILITY EASEMENT FOR PROPERTY LOCATED SOUTH OF MAPLE AND ON THE WEST SIDE OF 119TH STREET WEST. (DISTRICT V)

Agenda Report No. 04-0729

Staff Recommendation: Accept the Dedication.

MAPC Recommendation: Accept the Dedication. (12-0)

As a requirement of Lot Split Case No. SUB 2004-47, this Dedication is being submitted for a ten-foot sidewalk and utility easement along 119th Street West.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

VAC2004-00027

VAC2004-00027-REQUEST TO VACATE PEDESTRIAN ACCESS AND UTILITY EASEMENT LOCATED SOUTH OF 45TH STREET NORTH AND WEST OF ROCK ROAD, AT THE END OF BURTON CIRCLE. (DISTRICT II)

Agenda Report No. 04-0730

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting consideration to vacate a 10-foot wide portion of 20-feet of pedestrian access that abuts the west side of Lot 10, Block B, the Willowbend North Estates Second Addition. The Willowbend North Estates Second Addition was recorded with the Register of Deeds on January 8, 2004.

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The applicant wishes to remove the abutting pedestrian access use of the platted easement from the west side of Lot 10, Block B, the Willowbend North Estates Second Addition. The current 20-feet of pedestrian access is part of a platted 20-foot drainage and utility and pedestrian access easement. There is sewer in the easement. Only 10-feet of the pedestrian access use abutting the west side of Lot 10 will be removed. The easement will still retain 20-feet for drainage and utility use. The pedestrian access links Blocks A & B, to Reserve A, all in the Willowbend North Estates Second Addition. According to the plat text, Reserve A is reserved for open space, lakes, landscapes, berms, sidewalks, drainage purposes and utilities. Reserve A, "shall be owned and maintained by the Homeowners Association for the addition." Reserve A abuts a railroad right-of-way on its south side and a golf course on its east side. Although proposed as a future greenway, the rail line is currently an active line used in part to connect activity between Wichita and El Dorado in Butler County. The proposed Vacation would leave 10-feet of pedestrian access (abutting Lot 9, Block B, the Willowbend North Estates Second Addition) onto Reserve A. No one spoke in opposition to this request at the Metropolitan Area Planning Commission's (MAPC) advertised public hearing and the MAPC voted to approve the Vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

A04-19

A04-19-REQUEST BY BEECH LAKE INVESTMENTS LLC TO ANNEX LAND GENERALLY LOCATED NORTH OF 13TH STREET BETWEEN WEBB ROAD AND GREENWICH ROAD. (DISTRICT II)

Agenda Report No. 04-0731

The City has received a request to annex .87 acres of land generally located north of 13th Street North between Webb Road and Greenwich Road. The annexation area abuts the City of Wichita to the north, east, and west of the property. At this time, the property owner has not finalized future development plans for the proposed annexation.

Land Use and Zoning: The proposed annexation consists of .87 acres of vacant property zoned "LI" Limited Industrial, annexation will not change the zoning of the property. The properties to the north, east, and west of the proposed annexation area are in the City of Wichita, zoned "LI" Limited Industrial, and in the process of being developed for office and commercial use. The property to the south of the proposed annexation is in Sedgwick County, zoned "LI" Limited Industrial, and is in use as a private recreational facility.

Public Services: As condition of platting all lots in the plat will need to be guaranteed water and sewer service. Currently the water main in 13th comes from Waterfront Parkway and stops just short of the subject property. A sewer line will be extended from the Waterfront Second addition to the west.

Street System: The subject property fronts on South 13th Street North, currently a four lane paved city road with turn lanes into the Waterfront development. The City of Wichita Capital Improvement Program 2004-2013 draft, Sedgwick County Transportation Improvement Program 2004-2008, or the Sedgwick County Capital Improvement Program 2004-2008 call for improvements to 13th Street North.

Public Safety: Fire services to this site can be provided by the City of Wichita within a six (6) to seven (7) minute approximate response time from City Station No. 18 located at 2808 N. Webb Road. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: Eastview Park, a 20.8 acre park, is located 2 miles east of the proposed annexation site. A pathway is proposed along 13th Street North to the south of the proposed annexation area in the 1996 Parks and Open Space Master Plan.

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School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation, according to County records, is \$50 with a total assessed value of \$15. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$0 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy. At this time, the property owner has not finalized future development plans for the proposed annexation area.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A04-19

AIRPORT AGENDA

BUDGET

AIRFIELD JOINT SEAL BUDGET ADJUSTMENT.

Agenda Report No. 04-0732

The operating budget includes programmed maintenance on the runways and taxiways in the form of joint seal work. The amount included in the 2003 budget was \$150,000. This amount was intentionally not spent in 2003 so that it could be expended in 2004 when it was operationally more appropriate.

The east runway will be shut down for other work from mid-July to mid-September. It would be operationally beneficial to accomplish the joint seal work during that same period so that the airfield capacity is not affected a second time. Additionally, as with all pavement projects, weather becomes a factor in accomplishing this project the later in the year it is done. The desire is to move forward with getting this project done in late summer since the monies were unspent last year.

The \$150,000 annual amount is included in the City Manager's proposed 2004 Revised Operating Budget. The requested action is necessary only to let the project be undertaken before the Operating Budget is approved in total and will not be in addition to the amounts presented in it.

The Airport budget is not certified by State Statutes.

Motion--carried

Mayans moved that an increase in the Airport operating budget be approved. Motion carried 7 to 0.

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INSURANCE

AIRPORT GENERAL LIABILITY INSURANCE.

Agenda Report No. 04-0733

In 2003, research was completed concerning the practices of other airports and the protection offered to Mid-Continent Airport under the Kansas Tort Claims Act in regards to whether liability insurance should be purchased. The Airport Authority action was to procure the insurance through ACE Property and Casualty Insurance Company with limits of \$50 million which was one-half of the previously coverage amount in order to balance mitigation of risk with premium escalation. During the policy years of July 2001 to July 2002 and July 2002 to July 2003, the airport incurred claims payments and reserves of approximately \$19,000 and \$40,000 respectively. The claim volume has been extremely low at the airport and nearly all claims filed have been the result of trips, slips, or falls.

There are four markets for airport liability coverage for facilities the size of Wichita Mid-Continent. They are Ace Property and Casualty Insurance Company, Phoenix Aviation Managers, AIG Aviation and Global Aviation. All four markets were approached by Hilb Rogal & Hobbs on behalf of the Airport to provide quotes. AIG declined to provide a quote due while three firms provided a quote.

The lowest quote was from the current carrier, ACE, for \$42,973. The premium for the expiring policy was \$39,102. This premium is fairly consistent with the historical actual claim costs. This continues the existing level of insurance protection.

Motion--

Mayans moved that the purchase of \$50 million of airport liability coverage from Ace Property and Casualty Insurance Company be approved and the Purchasing Manager be authorized to execute the appropriate documents. Motion carried 7 to 0.

--carried

CHANGE ORDER

SAFETY BUILDING EXPANSION-CHANGE ORDER WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 04-0734

The Wichita Airport Authority has approved a project and grant funds for security improvements. The project includes the Airport Public Safety Building Expansion and CCTV Upgrade, Finger Print System, Patrol Vehicle, Guard Houses & costs directly associated with the events of September 11, 2001.

A change order has been prepared regarding the construction of the Safety Building expansion and CCTV upgrade.

The total cost of the change order is \$10,008 and will be paid with a Federal grant and Passenger Facility Charges. Funds are available in the current approved budget. Total change orders are one percent of the original contract amount.

Motion--

Mayans moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

SBT

SIEMENS BUILDING TECHNOLOGIES, INC. (SBT).

Agenda Report No. 04-0735

The WAA currently has an Agreement with Siemens Building Technologies to maintain security-monitoring equipment on Wichita Mid-Continent Airport.

Both parties are interested in continuing this arrangement for a two-year period. In addition to maintaining the security equipment required for overall airport security, SBT will also provide maintenance services for equipment located in the Federal Aviation Administration (FAA) Building

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located at 1801 Airport Road and the Transportation Security Administration (TSA) offices located on the second floor of the terminal building.

Cost for the first six months of the agreement is \$4,876 per month. This is a reduction of \$2,124 per month from the previous agreement, and is made possible as a result of replacing and adding certain equipment, which is covered by a two-year warranty. Beginning in January, 2005, costs for the FAA building will become due in the amount of \$255 per month; and in April, 2005, costs for the TSA will become due in the amount of \$285 per month. Costs for both the FAA and TSA will be reimbursed to the WAA.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

SSI

SURFACE SYSTEMS, INC. (SSI).

Agenda Report No. 04-0736

The WAA is currently using certain sensing equipment, computer equipment, computer software and other equipment manufactured or provided by Surface Systems, Inc (SSI). The warranty period on this equipment has ended, and a service agreement is required. The agreement is for a period of three years, commencing July 3, 2004.

This service agreement will provide replacement equipment/parts and/or on-site maintenance and repair for the System, for specified equipment and software. The equipment is used to provide winter weather-related information for runway conditions, including all atmospheric, pavement surface, sub-surface and other parameters, which can be measured or sensed by the sensing devices. This equipment assists airport personnel in identifying when de-icing fluids should be used on the runway surfaces in addition to providing other information regarding winter-related storms.

The cost per year is \$5,736.38. Funds are available in the operating budget. The Agreement has been approved as to form by the Department of Law.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

ADJOURNMENT

Motion--
--carried

Mayans moved at 3:09 p.m. that the regular City Council Meeting be adjourned. Motion carried 6 to 0, (Brewer absent).

The City Council Meeting adjourned at 3:09 p.m.

Karen Sublett
City Clerk